

# State Management Plan for MoDOT Administered

## Federal Transit Administration Formula Grants

49 USC 5310 – CFDA 20.513  
49 USC 5311 – CFDA 20.509  
49 USC 5316 – CFDA 20.516  
49 USC 5317 – CFDA 20.521

December 2013

Americans with Disabilities Act (ADA) and Limited English Proficiency (LEP) Information  
Materials can be provided in alternative formats and other languages by calling the MoDOT Customer Service Center at 1-888-ASK-MoDOT (275-6636) or TDD (telecommunication devices for the deaf) 1-800-735-2966.

### Rights Under Title VI of the Civil Rights Act of 1964

The Missouri Department of Transportation (MoDOT) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful, discriminatory practice under Title VI may file a complaint with MoDOT's External Civil Rights Division – Title VI Coordinator. For more information on the MoDOT civil rights program, and the procedures to file a complaint, contact (573) 526-2978 / TDD (800) 735-2966. You may also contact us by mail at P.O. Box 270, Jefferson City, MO 65102 or visit the External Civil Rights Division office at 830 MoDOT Drive, Jefferson City, MO 65109. You may also visit our web site at <http://www.modot.org> For information in another language contact (888) 275-6636.

For information about this plan – you can write to us at Transit Section – Multimodal Operations, MoDOT, P.O. Box 270, Jefferson City, MO 65102 or FAX your questions to (573) 526-4709 or email your questions to [Transit@modot.mo.gov](mailto:Transit@modot.mo.gov)  
For an electronic version of this plan, see the link at the following address of MoDOT's web site: <http://www.modot.org/othertransportation/transit/transitapplicationsreportsprograms.htm>

# State Management Plan for FTA Grants – Missouri Department of Transportation

December 2013

## Table of Contents

Goals and Objectives of Program	
Sec. 5310 .....	1
Sec. 5311 .....	2
Sec. 5316 .....	2
Sec. 5317 .....	3
Roles and Responsibilities	
Sec. 5310 .....	4
Sec. 5311 .....	5
Sec. 5316 .....	6
Sec. 5317 .....	6
Coordination (5310, 5316 & 5317) .....	7
Eligible Subrecipients	
Sec. 5310 .....	8
Sec. 5311 .....	9
Sec. 5316 .....	10
Sec. 5317 .....	10
Eligible Services and Service Areas (5311 Only) .....	10
Eligible Assistance Categories (5311 Only) .....	11
Local Share and Local Funding Requirements	
Sec. 5310 .....	13
Sec. 5311 .....	13
Sec. 5316 .....	15
Sec. 5317 .....	15
Project Selection Criteria and Methods of Distribution of Funds	
Sec. 5310 .....	15
Sec. 5311 .....	16
Sec. 5316 .....	18
Sec. 5317 .....	19
Intercity Bus Transportation (5311 Only) .....	20

State Management Plan for Missouri's FTA Transit Grant Programs: December 2013  
Table of Contents

Annual Program of Projects (POP) Development and Approval Process	
Sec. 5310 .....	22
Sec. 5311 .....	23
Sec. 5316 .....	23
Sec. 5317 .....	24
Funds Transfers	
Sec. 5310 .....	24
Sec. 5311 .....	24
Sec. 5316 .....	25
Sec. 5317 .....	25
MoDOT Procedures for Submitting Milestone Progress Reports to FTA .....	25
MoDOT Procedures for Submitting Federal Financial Reports to FTA .....	27
State Administration, Planning and Technical Assistance	
Sec. 5310 .....	34
Sec. 5311 .....	35
Sec. 5316 .....	36
Sec. 5317 .....	38
Rural Transit Assistance Program – RTAP (5311 Primarily) .....	38
Private Sector Participation	
Sec. 5310 .....	39
Sec. 5311 .....	40
Sec. 5316 .....	41
Sec. 5317 .....	41
Civil Rights (All Programs) .....	41
Maintenance	
Sec. 5310 .....	45
Sec. 5311 .....	45
Sec. 5316 .....	46
Sec. 5317 .....	46
Charter Rule – (All Programs) .....	47
Section 504 and Americans with Disabilities Act (ADA) – (All Programs) . . . .	55
Program Measures	
Sec. 5310 .....	65
Sec. 5316 .....	65
Sec. 5317 .....	65

State Management Plan for Missouri's FTA Transit Grant Programs: December 2013  
Table of Contents

National Transit Database (Rural NTD) (5311 only) . . . . .	66
Procurement (All Programs) . . . . .	66
Sub-recipient Indirect Costs & Indirect Cost Allocation Plans (All Programs) . . . .	71
Financial Management (All Programs) . . . . .	73
Property Management	
Sec. 5310 . . . . .	74
Sec. 5311 . . . . .	75
Sec. 5316 . . . . .	75
Sec. 5317 . . . . .	76
Vehicle Use and Disposition	
Sections 5310 & 5317 . . . . .	77
Sections 5311 & 5316 . . . . .	79
Accounting Systems	
Sec. 5310 . . . . .	80
Sec. 5311 . . . . .	80
Sec. 5316 . . . . .	83
Sec. 5317 . . . . .	83
Audit and Close Out	
Sec. 5310 . . . . .	83
Sec. 5311 . . . . .	84
Sec. 5316 . . . . .	85
Sec. 5317 . . . . .	85
Subrecipient Oversight and Reporting (All Programs) . . . . .	86
Productivity / Cost Effectiveness / Service Standards	
Sec. 5310 . . . . .	89
Sec. 5311 . . . . .	89
Sec. 5316 . . . . .	89
Sec. 5317 . . . . .	89
Section 5333(b) Labor Protection (All Programs) . . . . .	90
Environmental Protection (All Programs) . . . . .	91
Buy America (All Programs) . . . . .	96
Pre-Award and Post- Delivery Audits (All Programs) . . . . .	96

State Management Plan for Missouri's FTA Transit Grant Programs: December 2013  
Table of Contents

Lobbying Restrictions (All Programs) ..... 97

Prohibition of Exclusive School Transportation (All Programs) ..... 97

Drug and Alcohol Testing

    Sec. 5311 ..... 97

    Sections 5310, 5316 & 5317 ..... 97

## **Goals and Objectives of Programs**

### 5310 – Goals and Objectives of Program (to be revised subsequent to FTA final guidance)

The goal of the Missouri Department of Transportation in utilizing Section 5310 funds is to:

1. Provide the maximum level of service possible to the maximum number of elderly and persons with disabilities statewide.
2. Fund vehicles for replacement first. With the definition of a replacement vehicle being "a vehicle that has been funded through the 5310 program."
3. Distribute available funds on a fair and equitable basis to all areas of the state of Missouri.

Section 5310 funds are used to supplement other Federal Transit Administration (FTA) capital assistance programs in urbanized, urban and rural areas of the state where special transportation needs of elderly and persons with disabilities are unavailable, insufficient or inappropriate. Consistent with requirements of 49 CFR Parts 18 and 19, vehicles are to be used first for program related needs and, beyond the purposes for which a Section 5310 grant is made, to meet other transportation needs of elderly persons and persons with disabilities, to meet other Federal program or project needs, and finally for other local transportation needs. Because the purpose of the Section 5310 grant is to provide transportation service to the elderly and persons with disabilities, other uses of the vehicle are permitted only as long as such uses do not interfere with service to the elderly and persons with disabilities.

As much as possible, activities need to be coordinated with other transportation providers or social service agencies within the local area. This coordination is assured by the development of locally developed, coordinated public transit-human services transportation plan (the Local Plan). All projects funded under the Section 5310 program must be derived from one of these plans.

In addition to the federal coordination, the State of Missouri has an Interagency Committee on Special Transportation. This committee was formed under the Missouri Revised Statute 226.805 and includes members from transportation, elementary and secondary education, social services, developmental disabilities, mental health, and any other state agency that the governor deems appropriate to serve on the committee. In November 2005 this committee was reactivated to tackle the coordination issues required with the passage of SAFETEA-LU.

5311 – Goals and Objectives of Program (to be revised subsequent to FTA final guidance)

The goals of the Missouri Department of Transportation for the Section 5311 program are to:

1. Support local governments that desire to provide open, general public transportation services to their constituents.
2. Develop and/or maintain basic levels of general public transportation in all nonurbanized parts of the state.
3. Promote, where economical, coordination of specialized transportation programs and funds by providing opportunities and technical assistance for social service agencies wishing to purchase service on general public systems. A part of this goal is to create the opportunity to experiment with new and innovative organizational structures and funding packages.
4. Draw on the resources of the private sector for providing public transportation to the maximum extent feasible.
5. Complement other FTA programs for special purpose and general public transportation.
6. Administer the program in accordance with all FTA regulations.

To accomplish these goals, the department has developed an extensive handbook for program applicants. This document, along with the standard agreement, outlines the department's basic approach to program administration. Both are referred to extensively in subsequent sections of this state management plan (SMP) and are incorporated into this document by reference.

5316 – Goals and Objectives of Program (applicable to FFY 2012 & earlier funded grants)

The Job Access and Reverse Commute Transportation Assistance Program, now known as JARC or Section 5316, was created to provide transportation for low-income individuals to work and work-related activities. The program is authorized through Chapter 53, Section 5316, of Title 49, United State Code.

As much as possible, activities must be coordinated with other transportation activities offered by public transportation providers or social service agencies. This coordination is assured by the development of locally developed, coordinated public transit-human services transportation plan (the Local Plan). All projects funded under the Section 5316 program must be derived from one of these plans.

The Section 5316 program was originally created as a short-term program to assist persons transitioning from welfare to jobs to gain access to employment. However, many entry-level jobs do not offer sufficient pay for workers to become transportation independent. The JARC program's inclusion in the SAFETEA-LU Transportation

Authorization Law recognizes the need for continued support of both those entering the work force and those whose income is insufficient to meet all their mobility needs.

The Missouri Department of Transportation believes JARC funding should be used as a means to assist entry-level employees and other low-income workers in gaining access to jobs that will eventually enable them to become economically independent.

5317 – Goals and Objectives of Program (*applicable to FFY 2012 & earlier funded grants*)

**Program Goals and Objectives** - The New Freedom Program, also known as Section 5317, was created to support new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990. This program is codified at 49 U.S.C. 5317.

As much as possible, activities must be coordinated with other transportation activities offered by public transportation providers or social service agencies. This coordination is assured by the development of locally developed, coordinated public transit-human services transportation plan (the Local Plan). All projects funded under the Section 5317 program must be derived from strategies in one of these plans.

The Section 5317 program grew out of the New Freedom Initiative introduced by the Administration under Executive Order 13217, "Community Based Alternative for Individuals with Disabilities," on June 18, 2001.

The New Freedom Program is intended to fill the gaps between human service and public transportation services previously available and to facilitate the integration of individuals with disabilities into the workforce and full participation of the community.

Under the New Freedom program, Congress has established three measures that MoDOT will track. These measures are:

1. Increases or enhancements related to geographic coverage, service quality and/or service times that impact availability of transportation services for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year
2. Additions or changes to the environmental infrastructure, technology, and vehicles that impact availability of transportation services as a result of the New Freedom projects implemented in the current reporting year; and
3. Actual or estimated number of rides (measured as one-way trips) provided for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year.



MoDOT completed a long-range plan (released April 11, 2007) that included transit issues. The plan was developed from stakeholder committees that met four times during the planning process. Transit issues discussed were the need for capital investment and continued operating support for the transit systems.

MoDOT works with local public officials through the regional planning commission and metropolitan planning organizations whose board members are local officials. Member of the Long-Range planning team attend both policy and technical committee meetings.

### **Roles and Responsibilities**

#### **5310 – Roles and Responsibilities(to be revised subsequent to FTA final guidance)**

The Missouri Department of Transportation (MoDOT) is designated by the Governor to administer Section 5310 in Missouri. Grant administration rests with the transit section in the Multimodal Operations Division. Extensive support is provided by the Department's legal, general services (procurement), fiscal services and auditing staff. The Departmental designation letter is on file with the FTA. See also "Project Selection Criteria and Method of Distributing Funds" for role of Metropolitan Planning Organizations (MPO). See also page 7 "Coordination" and page 39 "Private Sector Participation" of this plan for other organizational roles.

This State Management Plan (SMP) describes the State's policies and procedures for administering the Section 5310 program. The SMP further clarifies the requirements from the 5310 circular and allows the State to tailor the program to their sub recipients needs.

**1 State Administrative Costs** - The State is permitted to reserve up to 10% of Section 5310 funding for costs incurred administering the grant. These funds will be used to pay for the 5310 administrators salary, training and technical assistance to the recipients of the grant.

**2 Planning Workshops** - With the inception of the planning requirements outlined in Section 2, MoDOT conducted 11 workshops (in 2007) statewide to familiarize the RPCs and other interested parties in the planning process. A CD was also distributed with the workshop presentation and other information to all attendees. MoDOT will continue to work with the RPCs in updating the Local Plans required and conducting other workshops, as needed. These workshops were conducted using planning funds made available through the FTA.

**3 Compliance with FTA Requirements** - MoDOT will comply with all federal requirements as contained in the FTA Master Agreement.

**4 TEAM Grant Management** – The Section 5310 Program Manager will apply for federal funds through FTA's TEAM software system. A program of projects will be developed that includes the following information for each subrecipient:

- Location
- Service Area
- Status as Public or Non-Profit Agency
- Status of Small Urbanized Area or Nonurban Area
- Federal Share
- Total Cost
- Congressional District
- Description of Project

**5 SAM II Accounting System** – MoDOT uses the State Office of Administration's SAM II accounting system to track grant payments. The Multimodal Operations division has two full-time employees who enter all transactions in the system.

MoDOT completed a long-range plan (released April 11, 2007) that included transit issues. The plan was developed from stakeholder committees that met four times during the planning process. Transit issues discussed were the need for capital investment and continued operating support for the transit systems.

MoDOT works with local public officials through the regional planning

The department also manages the state Missouri Elderly Handicapped and Transportation Assistance Program (MEHTAP) that can fund up to 50% of the operating costs for those transportation providers that serve the handicapped and aging populations throughout the state of Missouri.

#### 5311 – Roles and Responsibilities (to be revised subsequent to FTA final guidance)

The Missouri Department of Transportation (MoDOT) is the agency designated by the Governor to administer funds available through Chapter 53, Section 5311 of Title 49 United States Code herein referred to as Section 5311. Basic responsibility rests with the Transit section in the Multimodal Operations Division.

The department also administers all other state level Federal Transit Administration (FTA, also referred to as DOT – Department of Transportation) programs, state transit operating assistance, and the state funded Missouri Elderly and Handicapped Transportation Assistance Program.

Support is provided by the department's legal and purchasing staff. Departmental designation is on file with the Federal Transit Administration.

5316 – Roles and Responsibilities (applicable to FFY 2012 & earlier funded grants)

The Governor of the State of Missouri has designated the Missouri Department of Transportation (MoDOT) as the agency responsible for administering funds for small urbanized (50,000-200,000) in population and nonurbanized (less than 50,000 in population) areas made available through Federal Transit Administration programs. The Transit Section of the Multimodal Operations Division is responsible for administering the program. Large urbanized areas (greater than 200,000 in population) will identify a designated recipient for the metropolitan area who will administer the appropriated funds.

The department also administers state transit operating assistance and the state funded Missouri Elderly and Handicapped Transportation Assistance Program.

Additional support is provided by the Chief Counsel's office and General Services (Purchasing).

This State Management Plan (SMP) describes the State's policies and procedures for administering the Section 5316 program. The SMP further clarifies the requirements from the JARC circular and allows the State to tailor the program to their subrecipients needs.

MoDOT completed a long-range plan (released April 11, 2007) that included transit issues. The plan was developed from stakeholder committees that met four times during the planning process. Transit issues discussed were the need for capital investment and continued operating support for the transit systems.

MoDOT works with local public officials through the regional planning commission and metropolitan planning organizations whose board members are local officials. Member of the Long-Range planning team attend both policy and technical committee meetings.

5317 – Roles and Responsibilities (applicable to FFY 2012 & earlier funded grants)

The Governor of the State of Missouri has designated the Missouri Department of Transportation (MoDOT) as the agency responsible for administering funds made available through Federal Transit Administration programs. The Transit Section of the Multimodal Operations Division is responsible for administering the New Freedom program for small-urbanized (50,000-199,999 population) areas and non-urbanized (less than 50,000) rural areas of Missouri.

The department also administers the state transit operating assistance and the state funded Missouri Elderly and Handicapped Transportation Assistance Program.

Additional support is provided by the Chief Counsel's office and General Services (Purchasing).

This State Management Plan (SMP) describes the State's policies and procedures for administering the Section 5317 program. The SMP further clarifies the requirements from the New Freedom circular and allows the State to tailor the program to their subrecipients needs.

### **Coordination**

#### **Coordination (All Programs, except 5311) (to be revised subsequent to FTA final guidance)**

All projects funded from Sections 5310, 5316 and 5317 grants must be derived from a locally developed, coordinated public transit-human services plan (the Local Plan). MoDOT will assist local agencies in developing the plan. This scope of the plan must address the needs of the elderly and disabled as well as those with low incomes. Funding for the Section 5310 (Elderly Individual and Individuals with Disabilities Capital Assistance Program), Section 5316 (Job Access and Reverse Commute (JARC) Program) and Section 5317 (New Freedoms Program for services beyond the requirements of the Americans with Disabilities Act).

**Local Plan Criteria** - For the 5310, JARC, and New Freedom programs, the Local Plan must meet the following criteria:

**1** An assessment of available services that identifies current transportation providers - public, private, and not-for-profit. The assessment should include the number of vehicles (both accessible and non-accessible), service area, and days and times of operation.

**2** An assessment of the transportation needs of people with low incomes. The assessment can be based on the experiences and perceptions of the planning partners or on more sophisticated data collection efforts. Gaps in service should be identified.

**3** Strategies and activities that would address the identified gaps in service. Applicants are urged to not include specific projects in the plan, as the plan should be based on a higher level of need. Including only strategies and activities will allow the subrecipients to have more flexibility to meet the changing transportation needs of their riders.

**4** Priorities of implementation based on resources. Prioritizing strategies will allow the subrecipient to select the most important projects as funding becomes available. MoDOT recognizes that the highest priority activities may not be the projects that are implemented due to the small amount of federal funding available and/or the availability of local match.

**Lead Agency** - The lead agency in the planning process (in Missouri, this will be the MPOs and the RPCs) must develop a process for adoption of the plan. All

plans must be submitted to and approved by MoDOT's Transit Section before any funding will be allocated.

**Public Participation** - Development of the plan must include an opportunity for all interested parties to participate. The planning process should include human service agencies, local governments, private and public transit providers, and potential riders as well as members of the general public. There should be specific methods for outreach to low-income individuals who are not part of the human services delivery system. The Local Plan should document how public participation was solicited, i.e. newspaper ads, public service announcements, direct mail, etc. A lack of public interest in the project will not count against the project if adequate outreach was conducted.

**Inclusion in MPO Plans and TIPs** – All projects in small urbanized areas or nonurban areas that lie within the planning area of an adjacent Metropolitan Planning Organization (MPO) must be included in the MPO's plan. All nonurban projects will be described at the program level in the Statewide Transportation Improvement Program (STIP).

#### 5311 – Coordination (to be revised subsequent to FTA final guidance)

MoDOT highly encourages applicants to participate in their area local coordinated planning process.

The department recognizes the importance of coordination with social service programs and the potential for improved services that may result from combined efforts. Program recipients are permitted to establish routes and schedules that recognize special needs or concentrations of subgroups of the general population. These routes and schedules must not be so restrictive that they have the effect of limiting the services to a particular subgroup only.

All offers made by Section 5311 assisted organizations to provide third party contract transit services costing over \$1,000 are subject to prior MoDOT approval during the application process.

#### **Eligible Subrecipients**

##### 5310 – Eligible Subrecipients (to be revised subsequent to FTA final guidance)

All **non-profit organizations** providing transportation services to the elderly and/or persons with disabilities without regard to race, color, sex, sexual preference or religious affiliation are eligible to apply for funding. Any **public entities** that can demonstrate to the MoDOT staff there are no other non-profit organizations capable of providing the service proposed or that they are the best means of coordination utilizing monies and equipment within the service area are also eligible. Those **governmental entities**,

approved by the State, to help provide coordinated transportation service which is planned, designed and carried out to meet the special needs of elderly individuals and individuals with disabilities are also encouraged to participate.

5311 – Eligible Subrecipients (to be revised subsequent to FTA final guidance)

Eligible recipients are local public bodies and agencies thereof, private nonprofit organizations, federally recognized Indian tribal governments, and organized Indian Tribal organizations. Currently, no federally recognized Indian Tribes exist within the State of Missouri. Private for-profit operators may participate under contract with an eligible recipient with the concurrence of the department. However, this restriction does not apply to intercity bus providers funded under the Section 5311(f) program; they may contract directly with MoDOT.

Local public bodies providing local unrestricted matching funds are recognized as primary recipients with the first right to apply for Section 5311 funds to serve their local area. Nonprofits are also allowed to participate in the program on behalf of a rural community when no public applicant exists. Nonprofits must establish eligibility in terms of matching funds available and general public services offered.

When multiple nonprofits seek Section 5311 funds for a particular local area, the applicant that, in the department's judgment, can responsibly operate and offer the best service package will be awarded funds. In general the applicant that generates the greatest amount of local transportation funding, with first priority given to city or county revenue, will be given preference. Service criteria such as hours and days of service and vehicle availability (including handicapped accessibility) will also be considered in the award.

When multiple public entities apply for funds for the same service area, the public entity with the highest level of jurisdiction will be given preference, i.e. county over city, city over ambulance district. The public entity's capacity to provide service and the availability of local funds will also be considered.

Unless exceptional circumstances exist, only one Section 5311 assisted operator will be allowed to provide service in any given area. The department will not authorize a not-for-profit to provide Section 5311 assisted general public services in an area covered by a public body grantee.

Recipients must be able to provide acceptable matching funds for carrying out the project.

Applicants must demonstrate they have the technical capacity to carry out the project. Technical capacity means an organization has:

1. a structure of policies and procedures that allows them to function in an efficient and effective manner;
2. a staff of trained employees who are capable of following the policies and procedures;
3. an accounting system and other tracking methods that ensure financial responsibility and asset control; and
4. the knowledge and ability to comply with federal, state, and local laws, regulations, and/or requirements.

5316 – Eligible Subrecipients (*applicable to FFY 2012 & earlier funded grants*)

Eligible subrecipients are local public bodies and their agencies, private not-for-profit organizations, and Indian tribal reservations. Currently, no Indian Tribal reservations exist within the State of Missouri. Private for-profit operators may participate in the planning process but may only receive funds under contract with an eligible recipient with the concurrence of MoDOT.

Applicants must demonstrate they have the technical capacity to carry out the project. Technical capacity means an organization has:

1. a structure of policies and procedures that allows them to function in an efficient and effective manner;
2. a staff of trained employees who are capable of following the policies and procedures;
3. an accounting system and other tracking methods that ensure financial responsibility and asset control; and
4. the knowledge and ability to comply with federal, state, and local laws, regulations, and/or requirements.

5317 Eligible Subrecipients (*applicable to FFY 2012 & earlier funded grants*)

Eligible subrecipients are local public bodies and their agencies, private not-for-profit organizations, and operators of public transportation services. Private for-profit operators may participate under contract with an eligible recipient with the approval of MoDOT.

**Eligible Services and Service Areas (5311 Only)**

5311 – Eligible Services and Service Areas (*to be revised subsequent to FTA final guidance*)

The Section 5311 program was established to provide financial support for general public transit services in nonurbanized areas. General public services are those that are open to the public at large. These direct transportation activities and associated administrative (limited to 15% of the 5311 Annual Apportionment) and capital costs are eligible for Section 5311 assistance. The maximum federal matching funds ratio for operating assistance is 50% federal (DOT); 50% local, state, or non-DOT federal funds. Beginning

in State Fiscal Year 2008, selected administrative funds became eligible for 80% reimbursement. For most capital purchases the ratio is 80% federal (DOT); 20% local, state, or non-DOT federal.

The department will make an annual reservation of 15% apportioned funds for intercity bus service in nonurbanized areas. The set aside will be determined through a consultation process described on pages 15 - 16. The set aside for intercity bus service will be committed to other uses if no eligible applicants come forward within 30 days of the date interested organizations are notified.

Services will be accessed by residents of nonurbanized areas and may include transportation into urbanized areas. Services that begin and end in an urbanized area are not eligible. Services for residents of urbanized areas traveling to non-urbanized areas may be provided if coordinated with rural-to-urban service. Intercity bus service may originate and end in urban areas but it must serve nonurbanized areas in between. Joint projects may be developed with Section 5311 operating participation based on the portion of vehicle net operating costs attributable to the non-urbanized service. Capital costs of joint projects will be divided according to capital consumed in urbanized and non-urbanized service.

#### **Eligible Assistance Categories ( 5311 Only)**

##### 5311 – Eligible Assistance Categories (to be revised subsequent to FTA final guidance)

Capital Expenses – Eligible expenses include the acquisition, construction and improvement of public transportation facilities and equipment. The federal share of eligible facilities and equipment shall not exceed 80 percent of the net capital cost. The federal share may be less than 80 percent depending on available funds, demand and the share of a capital project that is general public in nature.

Funding for ADA related improvements or bicycle access improvements is available on a 90%/10% basis. See FTA Circular 9040.1F, Chapter III, Section 2.

The local match for capital items must be local cash from sources other than transportation fares and DOT federal funds. Eligibility of an item does not imply approval. The need for all capital equipment must be documented specifically in the application process.

Public entities and not-for-profits are allowed to apply for Section 5311 and Section 5309 grant funds for fixed facilities such as buildings. Generally, only grantees that receive congressional earmarks will receive funds to acquire facilities as vehicles and equipment are given priority and funds are usually not sufficient to meet those needs.

The Missouri Department of Transportation will procure all rolling stock on behalf of Section 5311 grantees on a competitive bid basis in compliance with FTA Circular



4220.1, as amended. Other capital purchases will be made by the department or by the local recipient depending on particular circumstances. Local procurements must have prior department authorization for solicitation and for award and be must carried out in accordance with FTA grant requirements, FTA Circular 4220.1, as amended, and state procurement laws.

MoDOT conducts all FTA funded rolling stock audits as required by 49 CFR Part 663.37. Whenever twenty or more modified vehicles are purchased from a single vendor for one subrecipient, MoDOT will send its vehicle inspector to the point of assembly. A written report of the inspection will be kept on file for verification purposes.

Before vehicles are delivered to sub-recipients, MoDOT inspects each vehicle to ensure specification compliance. If a vehicle is determined non-compliant, the vendor is required to make necessary adjustments to ensure compliance with specifications.

Section 5311 assisted vehicles cannot be used for non-incidental client specific, exclusive services. Vehicles approved under Sections 5311 must be used for general public services only (see Charter Bus, pp. 47 – 55 and School Bus p. 97 for exceptions).

Any equipment costing over \$5,000 must be capitalized, not expensed. Items costing under \$5,000 may be capitalized according to the recipient's own requirements. Records must be maintained for capital equipment as specified in Section III – Equipment Procurement, Management, and Disposition. Items costing less than \$500 are not eligible for capital funding at an 80/20 ratio but may be expensed as operating expenses.

Operating Expenses Eligible expenses include general administration (expenses that are necessary for the operation of the service but cannot be directly tied to a particular vehicle or route) and overhead, insurance, professional services, vehicle maintenance, facility maintenance, and direct transportation expenses.

Section 5311 funds may be used to support up to 50% of a project's net operating loss. Net operating loss is the total expense incurred minus any fares collected. Refer to the sections on local matching funds and use of project revenues for further information. MoDOTs funds some administrative expenses at 80% federal/20% local. Those expenses include all insurance premiums except for health insurance, background checks, physical exams for CDL license holders, and substance abuse testing. These expenses as well as other administrative expenses cannot exceed Thirty percent of the total operating cost.

Funds Reserved for State Administration MoDOT may reserve up to 15% of the funds available for state administrative purposes. The amount reserved is generally between 8 – 10%. State administrative funds are used for:

- Program manager salary and expenses,
- Other transit staff salaries and expenses as appropriate,
- Planning studies (Intercity bus, transit needs assessments, etc.),

- Feasibility studies for rural facilities,
- Marketing for rural providers, and
- Other expenses as may be allowable as technical, planning or administrative costs.

**Local Share and Local Funding Requirements** *(to be revised subsequent to FTA final guidance)*

**5310 – Local Share and Local Funding Requirements** - The federal share of eligible capital costs is not to exceed 80% of the net cost. The remaining 20% must be private donations, local cash, state and/or county monies, and with the passage of SAFETEA-LU, other federal funds as long as they are not from the federal transportation program dollars. Written confirmation to provide local match and maintain operating capital must accompany the application.

**5311 – Local Share and Local Funding Requirements** - There are a variety of funding sources available to Section 5311 recipients. The following chart contains a list of most commonly received funds and their designation as federal, state, or local. If a funding source becomes available, and is not listed in the chart, the recipient should contact the state's Section 5311 program manager to determine the origin of the funds.

Fares may not be used as match and the amount of fares received must be deducted from the total operating expense to determine the net eligible operating expense deficit. Fares may be either 1) cash paid at the time of boarding the vehicle (rider fee) or 2) the price paid for a coupon that had to be purchased before riding. Revenue received for service purchased by human service agencies for their clients, whether in the form of a service agreement or ride coupons, is not considered fares. However, a rider fee or coupon paid for by an individual who is later reimbursed by a human service agency is still considered a fare.

The Missouri Legislature appropriates state transit funding which MoDOT allocates between urban systems and Section 5311 recipients. This funding can be used as match for FTA funds. Funds received through Department of Social Services (DSS or DFS) such as TANF funds may be used to match FTA funds. Other state funding sources may include Department of Economic Development (CDBG funds), school districts, or the Departments of Corrections, Health, or Mental Health.

Local funds are those that originate from a variety of sources. They may include private charities, civic organizations, cities, counties, property taxes approved by county residents, or direct fundraising. Donations (voluntary contributions) received from riders are considered local match. Local contributions must be included as operating revenue unless they are designated by the contributor as being reserved to be used as match for capital acquisitions.

### Sources of Funding

Funding Source	Federal	State	Local	Eligible for Escrow
Adult Day Care Centers			X	yes
Advertising on Vehicles			X	yes
American Legion			X	yes
American Red Cross			X	yes
Area Agencies on Aging	X	X		no
Assisted Living Facilities			X	yes
Chamber of Commerce			X	yes
Churches and other faith-based organizations			X	yes
Cities (donations or service agreements)			X	yes
Civic Organizations (Kiwanis, Rotary, Lions)			X	yes
Community Partnerships / Action Agencies		X		yes
Counties (donations or service agreements)			X	yes
County Health Department			X	yes
Department of Agriculture – service agreement			X	yes
Department of Agriculture – direct grant		X		no
Department of Corrections – service agreement			X	yes
Department of Corrections – direct grant		X		no
Department of Mental Health – service agreement			X	yes
Department of Mental Health – direct grant		X		no
Developmentally Disabled Center			X	yes
Dialysis Clinics			X	yes
Division of Family Services (TANF)		X		no
Donations and/or Fundraisers			X	yes
Drug/Alcohol Rehabilitation Centers			X	yes
Fares	cannot count as match			no
Federal Transit Administration (5311, JARC)	X			no
Foster Grandparents			X	yes
Fuel Tax Refund	X			no
Group Homes			X	yes
Head Start		X		no
Hospitals			X	yes
House Bill 351 Board (Senior Citizen Svc Board)			X	yes
Independent Living Center		X		yes
Interest			X	yes
Medicaid (MTM)			X	yes
MEHTAP	cannot count as match			no
Missouri Kidney Foundation			X	yes
Nursing Homes			X	yes
Private Charities			X	yes
Rehabilitation for the Blind		X		yes
RSVP			X	yes
Salvation Army			X	yes
Senate Bill 40 Board (Developmental Disability)			X	yes
Senior Nutrition			X	yes
Sheltered Workshop			X	yes
State Transit Operating Assistance		X		yes
United Way			X	yes
VFW			X	yes

5316 –Local Share and Local Funding Requirements – Local share can come from a variety of sources. The only funding sources that cannot be used as matching funds are passenger fares and funding received through another USDOT program. The latter restriction applies whether the sub-recipient receives these funds directly or if the funding flows through a state administered program.

At the time of application, the sub-recipient must verify that sufficient matching funds are available and for capital projects that the source of matching funds are from non-operating sources.

Volunteer and contributed services may be included in an operating activity budget as an expense and as a part of the local share. Volunteer and contributed services may not, however, replace any contract revenue, passenger revenue, payment for services or unrestricted donations earned by the sub-recipient during the project period. MoDOT must approve all volunteer services and the value assigned to them in advance. Time sheets and other documentation must be kept to substantiate the value of any volunteer or contributed services. In-kind donations such as office space must be valued at the market rate of the community in which the office is located.

5317 – Local Share and Local Funding Requirements - Local share can come from a variety of sources. The only funding sources that cannot be used as match are fares and funding received through another U. S. Department of Transportation program. For local share, MoDOT will NOT allow bank liens for capital purchases

### **Project Selection Criteria and Methods of Distribution of Funds**

5310 – Project Selection Criteria and Methods of Distribution of Funds (to be revised subsequent to FTA final guidance)

All agencies requesting information through the year are encouraged to receive an application guideline booklet. Every effort is made to ensure that all eligible organizations are notified individually. Eligibility is based only on federal guidelines for program compliance (elderly and persons with disabilities), without regard to race, color, sex, sexual preference or religious affiliation.

All projects must be derived from a locally developed, coordinated public transit-human services plan (the Local Plan). MoDOT will assist local agencies in developing the plan. This plan must address the needs of the elderly and disabled, along with those individuals that require access to Section 5316 (Job Access and Reverse Commute) and Section 5317 (New Freedoms Program for services beyond the requirements of the Americans with Disabilities Act).

MoDOT evaluates all applications from the rural portion of the state on the following criteria:

<b>Type of Vehicle (replacement/expansion/new)</b>	<b>Maximum 50 points</b>
<b>Designation of Trips</b>	<b>Maximum 25 points</b>
<b>Number of hour's vehicle is in service/day</b>	<b>Maximum 25 points</b>

There are seven urbanized areas, Columbia, Joplin, Kansas City (including Lee's Summit), Springfield, St. Joseph, Jefferson City and St. Louis. In these urbanized areas, MoDOT relies on local funding decisions, under pre-approved guidelines. For organizations within the counties of Franklin, Jefferson, St. Charles and St. Louis, the East-West Gateway Coordinating Council will make all funding recommendations. Organizations within the counties of Cass, Clay, Jackson, Platte and Ray will be prioritized for funding by the Mid-America Regional Council, Special Transportation Advisory Committee (STAC). The local Metropolitan Planning Organization (MPO) will rank applications from the urbanized limits of Columbia, Joplin, Springfield, Jefferson City and St. Joseph.

In order to insure that all areas of the state receive fair access to the program, funds are initially reserved for each of the urbanized areas on the basis of population as reported by the 2000 census. Allocations are: **St. Louis – 30.3%, Kansas City – 15.1%, Springfield – 3.8%, Columbia – 1.7%, St. Joseph – 1.3%, Joplin – 1.3%, and Jefferson City – 1%.**

The department recognizes the importance of coordinating Section 5310 funding with the Metropolitan Planning Organizations' (MPOs) short and long-range planning process. All proposed Section 5310 projects requesting federal participation located in these planning areas must be listed within the respective MPO Transportation Improvement Program prior to funding by MoDOT.

The remaining 45% is for the balance of the state. If a metropolitan area does not utilize their funding, these amounts will be distributed as follows:

- a. All remaining urbanized areas where there is a need
- b. The rest of the state to be used in the non-urbanized regions

5311 – Project Selection Criteria and Methods of Distribution of Funds (to be revised subsequent to FTA final guidance)

The state may use up to ten percent of its Section 5311 apportionment for program administration, planning and technical assistance, with no local match required. The Rural Technical Assistance Program (RTAP) funds are a separate allocation used exclusively by the state for training and technical assistance. Normally, Missouri does not use the full allocation of administrative funding.

To accomplish the department's goals for the Section 5311 program the following distribution of funds has been settled on as a method for allocating federal funds (minus any reserved for administration) beginning with the 1994 federal apportionment.

- 15% of the Section 5311 funds will be reserved to support intercity bus service. In the event that eligible applicants do not express an interest in supporting intercity bus service or, if the requests received are less than the reserved amount, after the completion of the State consultation process (see Section I-10), within 30 days of notification of availability, the Governor will be requested to execute a certification that all intercity bus needs are being met. Funding reserved for intercity bus service will then be transferred to the discretionary set aside.
- 10% will be held in reserve to be allocated at the discretion of the department. Rural transportation is still an emerging service and flexibility to recognize different approaches and the availability of complementary programs and funds is necessary.

Forty percent of the remaining funds will be allocated to nonurban city systems, with 60 percent going to county and regional operations. Increases in federal funds will be allocated proportionately to the 60%/40% categories, then by population base served by applicant organizations within each category. As a general rule, the department's discretionary funds will be divided according to the 40% city/60% county ratio and divided within each group on the population basis. The department reserves the right to vary the distribution of discretionary funding by 10 per cent. If the federal government formally recognizes an Indian tribe within the state, that tribe will be considered an eligible applicant and its service area will determine whether it is considered a municipal, county, or regional recipient.

Increased funds will be divided within each of the first two groups on the basis of population. The funds are not, however, entitlements and must be fully justified in terms of all program requirements. If a grantee in a group does not require or want all available funds they will be redistributed within the primary group. If all funds cannot be used within the group they will be allocated to the other group and divided according to population.

State transit funding will be allocated based on the population of the area served by each grantee.

MoDOT makes every effort to ensure the evaluation and prioritization process used in the Section 5311 allocation process is non-discriminatory. Should any applicant question the fairness of the selection process they are encouraged to contact the Section 5311 Program Manager. If the program manager is unable to resolve the organization's concerns that organization is encouraged to contact MoDOT's Administrator of Transit.

5316 – Project Selection Criteria and Methods of Distribution of Funds (applicable to FFY 2012 & earlier funded grants)

**Project Selection Criteria** - If funding requests exceed the amount of funding available, the application will be evaluated based on the following criteria:

- 1 Is the project a continuation of an existing project already funded through the JARC Program? - 25 points
- 2 What is the percentage of low-income persons in the service area as compared to the State of Missouri as a whole? - 15 points
- 3 Has local funding for the project been secured? - 10 points
- 4 Will the local funding provide more than 50% of the net eligible cost - 10 points
- 5 Will the project be integrated with existing transportation? - 10 points
- 6 What percentage of the funding request will be used for administrative costs? - 10 points
- 7 Is the strategy for the project listed as a high priority in the Local Plan? - 5 points
8. Are local employers involved in the project and providing local match? - 5 points
- 9 Will the transportation provided take employees to full-time, year-round employment? - 5 points
10. Estimated number of persons to be served (methodology must be submitted with application and should address the estimated number of jobs that can be accessed) - 5 points

The number of jobs that can be accessed is a performance measure that MoDOT will be required to report to FTA. Care should be taken to make the estimate as accurate as possible.

**Supporting documentation** - Documentation must be submitted to address, at a minimum, the following information:

- 1 The start date of the project if funding is being requested for an existing project or the proposed starting date of the project if it is a new project.

- 2 Demographic information on the unemployment rate and percentage of low-income persons in the service area as compared to statewide date.
- 3 A description of the source and amount of local funding available. If cash is not in hand, submit written letter of commitment from the funding sources.
- 4 A list of all transportation providers participating in the project.
- 5 A list of all potential employment sites and the degree of participation that is anticipated by each employer (whether cash or some other type of support).
- 6 A description of the jobs to be accessed, i.e. full-time/part-time, year-round/seasonal, entry level, etc.
- 7 Either a copy of the Local Plan or reference to the section and page of the Local Plan strategy from the which the project was derived.

**Fair and Equitable Distribution** – Before grant awards are made based on the above criteria, MoDOT will review the geographic and demographic distribution of the grants. While some areas may not receive funding in any one grant cycle, MoDOT will distribute the grants as evenly as possible. As historical data is made available, the selection criteria may be revised to address this issue.

5317 – Project Selection Criteria and Methods of Distribution of Funds (*applicable to FFY 2012 & earlier funded grants*)

**Project Selection Criteria** - If funding requests exceed the amount of funding available, the application will be evaluated based on the following criteria:

- 1 Is the project a capital project? - 50 points
- 2 What is the percentage of individuals with disabilities in the service area as compared to the State of Missouri as a whole? - 15 points
- 3 Has local funding for the project been secured at the time of application? - 10 points
- 4 Will be project be integrated with existing transportation? - 10 points
- 5 Is the strategy for the project listed as a high priority in the Local Plan? - 10 points



- 6 Estimated number of persons to be served (methodology must be submitted with the application) - 5 points

**Supporting documentation** - Documentation must be submitted to address, at a minimum, the following information:

- 1 The start date of the project or the proposed starting date of the project if it is a new project.
- 2 Demographic information on the percentage of individuals with disabilities in the service area
- 3 A project budget, including a description of the source and amount of local funding available. If cash is not in hand, submit written letter of commitment from the funding sources.
- 4 A list of all transportation providers participating in the project.
- 5 Either a copy of the Local Plan or reference to the section and page of the Local Plan strategy from which the project was derived.

**FAIR AND EQUITABLE DISTRIBUTION** – Before grant awards are made based on the above criteria, MoDOT will review the geographic and demographic distribution of the grants. While some may not receive funding in any one grant cycle, MoDOT will distribute the grants as evenly as possible. As historical data is made available, the selection criteria may be revised to address this issue.

**Intercity Bus Transportation (5311 only)**

5311 – Intercity Bus Transportation (to be revised subsequent to FTA final guidance)

Private for-profit companies, not-for-profits, and public entities providing intercity bus service are eligible to apply for Section 5311(f) funding.

Each spring, MoDOT will consult with intercity bus companies through the following process:

1. MoDOT will develop a list of intercity bus providers operating within the State of Missouri.
2. All identified intercity bus providers will be contacted in writing to establish their need for subsidy on existing routes and any plans for expansion.
3. MoDOT will allocate up to 15% of the annual Section 5311 apportionment to providers, who apply for funding.
4. MoDOT will notify all providers in writing of the funding allocations.

5. MoDOT will assess whether the State's intercity services needs are adequately met, recognizing that the main roadblock to providing service is the lack of local match. MoDOT will fund providers who are willing to either provide the local match or have other resources. Development of new routes and/or services will be explored on an annual basis in consultation with the existing providers.

If applications are received for more than the funds available, operating grants will be awarded on a competitive basis using the following criteria:

- percentage of fare recovery;
- cost per revenue mile; and
- ridership per revenue mile
- ratio of rural bus stops to miles per route.

The 15% allocation for intercity bus service will be subject to the 15% takedown for state administrative expenses. MoDOT will not allocate more than the 15% reserve to intercity bus service regardless of how many applications are received (also see Section I-9).

Capital grants will be funded only if requests for operating subsidies are less than the 15% allocation available and will be evaluated on a competitive basis using the criteria above for the route on which a vehicle would be used and prior capital funding for the intercity bus provider.

Intercity Bus providers must abide by the same rules and regulations as other Section 5311 providers including procurement and auditing requirements.

To simplify the auditing process and to ensure that for-profit companies' proprietary information is not disclosed, eligible operating expenses are limited to the following:

- marketing/advertising for new and/or expanded service;
- operating expenses including fuel, tires, supplies, and drivers' wages and benefits;
- licensing;
- insurance; and
- repairs.

No administrative expenses are allowable in order to protect proprietary information. Depreciation and maintenance/upkeep of offices and facilities are also not allowable expenses.

The amount of subsidy will be limited to no more than one half of the net operating expense (total eligible expense reduced by total fares). The intercity bus provider may provide the match through other company revenues or may solicit matching funds from cities and entities that may be interested in maintaining intercity bus service in their area.

The Section 5311 program manager, or a designated representative, will inventory all equipment purchased with federal funds biennially. Intercity Bus operators must make the equipment readily available for inspection at MoDOT's request. In addition, the program manager will perform field audits to review maintenance records for federal funded vehicles, ensure compliance with ADA, and oversee drug and alcohol testing requirements. All intercity bus drivers must hold CDL licenses and comply with the Federal Motor Carriers Drug & Alcohol Testing. When driving federal funded vehicles, however, the driver becomes subject to the Federal Transit Administration's testing requirements which differ slightly from Federal Motor Carrier Safety Administration.

### **Annual Program of Projects (POP) Development and Approval Process**

#### **5310 – Annual Program of Projects (POP) Development and Approval Process (to be revised subsequent to FTA final guidance)**

Applications from all areas of the state (rural, urban and urbanized) that are being recommended for funding under Section 5310 will be incorporated into a Program of Projects and a Project Budget request for submission to the Federal Transit Administration Regional Office for funding approval. Projects within the urbanized areas will be included in those regions TIP/AE. Rural projects will included in the states Statewide Transportation Improvement Program (STIP) on a statewide basis.

Each annual Section 5310 Capital Assistance Program grant process takes approximately 24 months to complete and it usually takes 11 to 18 months, from application deadline, for an applicant organization to receive its vehicle. The standard timetable follows:

January (1 <sup>st</sup> Yr)	Applications distributed/available online
July 1 <sup>st</sup> (1 <sup>st</sup> Yr)	Applications to MoDOT must be postmarked by this date
October (1 <sup>st</sup> Yr)	State application submitted to FTA
December 31 <sup>st</sup> (1 <sup>st</sup> Yr)	Federal action announced
December-January	Applicants notified of funding decisions by MoDOT
February (2 <sup>nd</sup> Yr)	Vehicles ordered
May (2 <sup>nd</sup> Yr)	Begin delivery of straight vans
September (2 <sup>nd</sup> Yr)	Begin delivery of mini-buses
October (2 <sup>nd</sup> Yr)	Begin delivery of modified vans

Under the 5310 program, state entities are allowed to transfer funds from the 5310 program to the 5307 programs. MoDOT has chosen not to do this, as funds have always been utilized for elderly and disability transportation capital purchases; all funds including administration monies are normally spent within two funding cycles. With the passage of SAFETEA-LU, a pilot program was put in place to allow up to 30% of 5310 funds to be used for operating costs. MoDOT chose not to participate in this program, as the demands for capital purchases far exceed our annual apportionment. With the MEHTAP program, MoDOT is already funding up to 50% of our grantee's operating costs.

5311 - Annual Program of Projects (POP) Development and Approval Process (to be revised subsequent to FTA final guidance)

Applications and grants under Section 5311 are based on the fiscal year of the local recipient. Grants are made for one year. This procedure of structuring around local fiscal periods minimizes problems in auditing for the recipient and MoDOT. Local applications are prepared in accordance with the department's handbook on Section 5311 applications. The handbooks are distributed directly to existing recipients. Applications are available on the department's website or potential applicants may request copies from the Section 5311 program manager. Potential applicants are urged to contact the program manager for technical assistance early in their planning process.

In March and April of each year, MoDOT will allocate funds for the next round of funding based on prior funding for current recipients. New applicants will receive funding based on the same funding level (cities generally receive 50% of their net expenses while regional and county systems currently receive funds that cover 30 – 45% of their total expenses).

Intercity bus providers are required to submit a preliminary application at this time as the funding for these recipients may vary widely dependent upon whether they are asking for capital funding. This requirement enables MoDOT to shift unused 5311(f) funds to the general public providers if it is available. Historically, MoDOT has not received 5311(f) funding requests that approach the 15% limitation on these funds.

After the allocations are determined, MoDOT will apply to FTA for the funds. This is generally completed by April 30.

As every county in the state has public transportation, however limited, the department does not solicit applications but does make every effort to make the public aware of the program and assist in assessing local needs for the program. The Section 5311 program manager makes presentations to community groups and works with transportation "task forces" that are working to improve transportation in their community.

5316 - Annual Program of Projects (POP) Development and Approval Process (applicable to FFY 2012 & earlier funded grants)

The funding cycle will be based on the State fiscal year, July 1 to June 30. Applications may be submitted for multiple years.

Biannually, MoDOT will notify current subrecipients, the RPCs, transit systems, MPOs in small urbanized areas, and boards and/or organizations formed to develop the Local Plan of the availability of funds.

The application will be available on MoDOT's website or interested parties may contact MoDOT's Transit Section for applications. MoDOT plans to allocate funds in two or

three year cycles. In a funding year, all applications will be due April 1 of that year for the fiscal year beginning July 1. Grants will be awarded on or before May 15.

For State Fiscal Year 2008, applications cannot be accepted until the local plans have been completed and approved. MoDOT will announce a deadline for those applications based on the timing of the submittals.

All awards are dependent on the funding being allocated by the FTA and published in the Federal Register and the Local Plan having been submitted to and approved by MoDOT

5317 - Annual Program of Projects (POP) Development and Approval Process  
(applicable to FFY 2012 & earlier funded grants)

The funding cycle will be based on the State fiscal year, July 1 to June 30. Applications may be submitted for multiple years.

Biannually, MoDOT will notify current subrecipients, the RPCs, transit systems, MPOs in small-urbanized areas, and boards and/or organizations formed to develop the Local Plan of the availability of funds.

The application will be available on MoDOT's website or interested parties may contact MoDOT's Transit Section for applications. MoDOT plans to allocate funds in two-year cycles. In a funding year, all applications will be due February 15th of that year for the fiscal year beginning July 1. Grants will be awarded on or before December 31.

All awards are dependent on the funding being allocated by the FTA and published in the Federal Register and the Local Plans having been submitted to and approved by MoDOT

**Funds Transfers**

5310 – Funds Transfers (to be revised subsequent to FTA final guidance)

Under the 5310 program, state entities are allowed to transfer funds from the 5310 program to the 5307 programs. MoDOT has chosen not to do this, as funds have always been utilized for elderly and disability transportation capital purchases; all funds including administration monies are normally spent within two funding cycles. With the passage of SAFETEA-LU, a pilot program was put in place to allow up to 30% of 5310 funds to be used for operating costs. MoDOT chose not to participate in this program, as the demands for capital purchases far exceed our annual apportionment. With the MEHTAP program, MoDOT is already funding up to 50% of our grantee's operating costs.

5311 – Funds Transfers (to be revised subsequent to FTA final guidance)

In monitoring both the Urbanized Area Formula Program funds and the Nonurbanized Area Formula Program funds apportionments, it may be necessary to transfer Section 5307 funds into the Section 5311 program or vice versa.

5316 – Funds Transfers (applicable to FFY 2012 & earlier funded grants)

Funds may be transferred between small urbanized and nonurban areas if the Governor certifies the objectives of the JARC program are being met in the specified areas. The State may also transfer JARC funds to the small urbanized (Section 5307) or nonurbanized (Section 5311) programs. However, the funds must be used for JARC eligible activities.

Any transfer of other funds, i.e. CMAQ, will be in compliance with the JARC Circular, Section III.

5317 – Funds Transfers (applicable to FFY 2012 & earlier funded grants)

The State may transfer New Freedom funds to the small urbanized (Section 5307) or non-urbanized (Section 5311) programs. However, the funds must be used for New Freedom eligible activities.

**State Administration, Planning and Technical Assistance**

**RESPONSE TO SMR FINDING** – *MoDOT should also submit to the FTA Regional Office an updated State Management Plan with procedures for submitting progress reports on time.*

**Procedure for Submitting Milestone Progress Reports (MPR) to FTA (All Programs)**

Milestone Progress Reports (MPR) are submitted by MoDOT to FTA in TEAM under the circumstances of:

1. With each grant application establishing Activity Line Item (ALI) detail,
2. Annually (except 5309 – quarterly) by October 30 to report on prior federal fiscal year's activity for each grant open at the end of that federal fiscal year (in the case of Section 5309 grants, MPR submitted within 30 days of end of calendar quarter),
3. Grant close-out when reporting the concluding activity in a grant.

Pursuant to FTA guidance in FTA Circular C 5010.1D, each MPR must include the following data, as appropriate (if necessary, attachments can accompany the MPR by using the "paperclip" feature in TEAM):

1. Current status of each open ALI within the active / executed grant,

2. A narrative description of projects, status, any problems encountered in implementation, specification preparation, bid solicitation, resolution of protests, and contract awards,
3. Detailed discussion of all budget and / or schedule changes,
4. The dates of expected or actual request(s) for bid, delivery, etc.
5. Actual completion dates for completed milestones (at the ALI level),
6. Revised estimated completion dates when original estimated completion dates are not met (at the ALI level),
7. Explanation of why scheduled milestones or completion dates were not met. Identification of problem areas and narrative on how the problems will be solved. Discussion of the expected impacts and the efforts to recover from the delays.
8. Analysis of significant cost variances. Completion and acceptance of equipment and construction or other work should be discussed, together with a breakout of costs incurred and those costs required to complete the project. Use quantitative measures, such as hours worked, sections completed, or units delivered.
9. A list of all outstanding claims exceeding \$100,000, and all claims settled during the reporting period. This list should be accompanied by a brief description, estimated costs and the reasons for the claims.
10. A list of all potential and executed change orders and amounts exceeding \$100,000, pending or settled, during the reporting period. This list should be accompanied by a brief description.
11. A list of claims or litigation involving third party contracts and potential third party contracts that:
  - a. Have a value exceeding \$100,000,
  - b. Involve a controversial matter, irrespective of the amount, or
  - c. Involve a highly publicized matter, irrespective of the amount.
12. A list of all real property acquisition actions, including just compensation, property(s) under litigation, administrative settlements, and condemnation for each parcel during the reporting period.

For each grant in TEAM the Milestone Progress Report has two tabs: The Summary Tab provides details on the recipient (MoDOT) and the Milestone Status Tab is used to prepare milestone status reports. The TEAM-Web User Guide provides detailed instructions for populating each reporting field within the MPR.

Multimodal Operations Specialists in the Transit Section are responsible for preparing MPR's for each active / executed grant that they administer. No less than five (5) working days before the MPR submission due date, the Administrator of Transit will be advised to review each open grant's MPR in the "Work in Progress" mode.

The Administrator of Transit will review the MPRs for accuracy of ALI level milestone dates (Original Estimated Completion / Revised Estimated Completion / Actual Completion) for accuracy of each ALI's Milestone Detail Descriptions and the completeness of each ALI's Milestone Progress narrative as well as the completeness of the Project Status Overview narrative for the grant in the Summary Tab. If the MPR indicates that additional attachments are being provided via the "paperclip" function in TEAM, then those attachments will be reviewed as well.

After initial review, necessary adjustments will be updated by the Multimodal Operations Specialist with a final review by the Administrator of Transit. After that final MPR review, the Multimodal Operations Specialist will confirm that the Federal Financial Report (FFR) has been prepared in TEAM for the grant in question, and then submit the MPR (Submit Report mode in Summary Tab) for each grant in TEAM.

**RESPONSE TO SMR FINDING** – *MoDOT should also submit to the FTA Regional Office an updated State Management Plan with procedures for submitting FFRs on time.*

**Procedure for Submitting Federal Financial Report (FFR) to FTA (All Programs)**

Federal Financial Reports (FFR) are submitted by MoDOT to FTA in TEAM under the circumstances of:

1. With each grant immediately prior to execution for award:
  - a. Reporting any financial activity under "pre-award authority", or
  - b. Submitting a zero dollar (\$0) report for no prior activity,
2. Annually (except 5309 – quarterly) by October 30 to report on the prior federal fiscal year's financial activity for each grant open at the end of that federal fiscal year (in the case of Section 5309 grants, FFR are submitted within 30 days of end of calendar quarter),
3. Grant close-out when reporting the total financial activity for a grant.

The FFR accompanies the Milestone Progress Report (MPR) and is used to monitor project funds. The purpose of the FFR is to provide a current, complete, and accurate financial picture of a grant. This report is submitted electronically in TEAM and must be prepared on the accrual basis of accounting; that is, income is recorded when earned instead of when received, and expenses are recorded when incurred instead of when paid. FTA does not allow the FFR to be prepared using the cash method of accounting.



Pursuant to FTA guidance in FTA Circular C 5010.1D, each FFR must include the following elements:

1. All financial facts (e.g., expenditures and obligations) relating to the scope and purpose of each financial report and applicable reporting period should be completely and clearly displayed in the reports,
2. Reported financial data should be accurate and up to date. The requirement for accuracy does not rule out inclusion of reasonable estimates when precise measurement is impractical, uneconomical, unnecessary, or conducive to delay,
3. Financial reports should be based on the required supporting documentation maintained in the grantee's (MoDOT's) official financial management system that produces information which objectively discloses financial aspects of events or transactions,
4. Financial data reported should be derived from accounts that are maintained on a consistent, periodic basis; material changes in accounting policies or methods and their effect must be clearly explained.
5. Reporting terminology used in financial reports to FTA should be consistent with receipt and expense classifications included in the latest approved project.
6. The FFR screen in TEAM consists of three tabs: Summary, Financial Status, and Remarks and Certification,
7. The Summary Tab provides basic information, with entry fields for the Period of the FFR, Initial Submission, and Last Update dates. It also allows the grantee (MoDOT) to select whether it is a Final Report, a Paper Award, or if MoDOT used Pre-Award Authority. It is important to enter in this tab whether the grantee (MoDOT) is charging indirect costs to the grant.
8. In the Financial Status Tab the grantee (MoDOT) enters financial information related to Federal Cash, Recipient Share, Unliquidated Obligations, and Program Income. Details on information needed in this tab can be found in Appendix B of FTA Circular C 5010.1D, also provided beginning on the next page.
9. The Remarks and Certification Tab has entry fields for Recipient remarks, Certification checkbox and FTA remarks.

One Financial Services Specialist assigned to MoDOT's Multimodal Operations Division is tasked with the responsibility of preparing and submitting the FFR's for the division's federal grants, including MoDOT administered FTA grants.

Financial information for preparing the FFR's is derived from the State of Missouri's SAM-II financial management system. The Financial Services Specialist reviews the SAM-II information for each FTA grant and translates that information into the appropriate reporting fields of the FFR.

The Financial Services Specialist coordinates with the Transit Section Multimodal Operations Specialist managing the grant reported in developing the Recipient remarks narrative for the Remarks and Certification Tab of each grant's FFR.

Once those remarks are developed and the financial data is otherwise complete, the FFR is submitted in TEAM prior to the submission deadline.

Below starting on the next page are the detailed FFR instructions as found in Appendix B of Circular C 5010.1D,

## **FEDERAL FINANCIAL REPORT**

### **I. Summary Tab**

The screenshot displays the 'Federal Financial Report' interface within a web browser window titled 'TEAM-Web (Quality Assurance Database) WV-90-X154-00 - Windows Internet Explorer'. The interface has a tabbed structure with 'Summary', 'Financial Status', and 'Remarks and Certification'. The 'Summary' tab is active, showing a form with various input fields and buttons. At the top right of the form, there are two radio buttons: 'Work In Progress' (selected) and 'Submit Report'. The form contains the following fields and values:

Field	Value
Recipient	1467 TRI-STATE TRANSIT AUTHORITY
Project	WV-90-X154-00 New Freedom - AVL System
Amendment	New Freedom - AVL System
DUNS Number	059851329
EIN Number	
Report Type	<input checked="" type="radio"/> Quarterly <input type="radio"/> Monthly <input type="radio"/> Annual <input type="radio"/> Other
Period	2010.2nd Quarter
Final Report?	No, Not Final Report
Paper Award?	Yes No
Initial Submission	
Last Update	
Pre Award Authority?	Yes No
Report Status	No MS/P Report, No FFR
Project Status	Active
Indirect Expense Type	N/A
Rate	0.00%
Base	\$0.00
Period From	
Period To	
Amount Charged	\$0.00
Federal Share	\$0.00

1. *Employer Identification Number (EIN)* – Enter the Employer Identification Number. The EIN is also known as a Federal Tax Identification Number
2. *Work in Progress/Submit Report* – Select “Work in Progress” or “Submit Report”. Select “Work in Progress” to prepare the report. Once the report is complete and ready for submission, select “Submit Report”.
3. *Report Type* – Select whether the report is Quarterly, Monthly, Annual or Other
4. *Period* – Enter the reporting period from the drop-down menu.
5. *Final Report?* – Enter if the report is final or not. In the drop down menu select, “Yes, Final Report” or “No, Not Final Report”. The report will be final if all the activities in the grant are completed, the funds are drawn down, there are no unliquidated obligations, and the milestones are closed. Once the final report is submitted, the grant is ready for closeout. Please notify your Regional Program Manager.
6. *Indirect Expense* – If a grantee is charging indirect costs to the grant, complete this section. Enter to total amount of indirect expenses incurred on a cumulative basis. Please note that a grantee must have an approved cost allocation plan in order to incur these expenses.
  - a. Type – Enter indirect expense type from the drop down menu
  - b. Rate – Rate approved by the cognizant agency
  - c. Base – Total base amount from which the indirect cost rate is determined
  - d. Period from / Period to – The period covered by the approved rate
  - e. Amount Charged – Total amount of indirect expenses charged to the grant on a cumulative basis
  - f. Federal Share – Federal share of the indirect expenses charged

**II. Financial Status** - the information in this section is on a cumulative basis, except for the three expenditures lines.

TEAM-Web ( Quality Assurance Database ) WV-90-X154-00 - Windows Internet Explorer

**Federal Financial Report**

Summary Financial Status Remarks and Certification

Line	Transactions	Previous	This Period	Cumulative
A	Federal Cash on Hand at Beginning of Period			\$0.00
B	Federal Cash Receipts			\$0.00
C	Federal Cash Disbursements			\$0.00
D	Federal Cash on Hand at End of Period			\$0.00
E	Total Federal Funds Authorized			\$133,500.00
F	Federal Share of Expenditures	\$0.00	\$0.00	\$0.00
G	Recipient Share of Expenditures	\$0.00	\$0.00	\$0.00
H	Total Expenditures (F+G)	\$0.00	\$0.00	\$0.00
I	Federal Share of Unliquidated Obligations			\$0.00
J	Recipient Share of Unliquidated Obligations			\$0.00
K	Total Unliquidated Obligations (I+J)			\$0.00
L	Total Federal Share (F+I)			\$0.00
M	Unobligated Balance of Federal Funds (E-L)			\$133,500.00
N	Total Recipient Share Required			\$33,375.00
O	Remaining Recipient Share to be provided (N-G-N)			\$33,375.00
P	Federal Program Income on Hand at Beginning of Period			\$0.00
Q	Total Federal Program Income earned			\$0.00
R	Federal Program Income expended in accordance with the deduction alternative			\$0.00
S	Federal Program Income expended in accordance with the addition alternative			\$0.00
T	Federal Program Income expended on allowable Transit Capital and Operating expenses			\$0.00
U	Federal Unexpended Program Income (P-Q-R or S or T)			\$0.00

A. *Federal Cash on Hand* at beginning of period – Enter any cash on hand if any at the beginning of the grant. In most instances, this line will be zero.

B. *Federal Cash Receipts* - Enter the cumulative amount of actual cash received from FTA for this grant as of the reporting period end date. Report this amount on a cash

- C. *Federal Cash Disbursements* - The cumulative amount of Federal fund disbursed as of the reporting period end date. Disbursements are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expenses charged to the grant, and the amount of payments made to subrecipients and contractors. Report this amount on a cash basis
- D. *Federal Cash on Hand at End of Period* – This is the sum of lines A + B – C and it is populated by TEAM. If there is Cash on Hand, FTA requires an explanation in the Remarks and Certification Tab, explaining why the drawdown was made prematurely or other reasons for the excess cash.
- E. *Total Federal Funds Authorized* – This is the total amount of all federal funds in the grant including amendments. TEAM populates this field.
- F. *Federal Share of Expenditures* – Of the total project costs, enter the amount FTA will participate. You can enter this information in either the “This Period” section or the “Cumulative section”; however do not enter in both sections. Expenditures are the total project costs (less any rebates, refunds or other credits) incurred on the accrual basis of accounting. Example of expenditures are: (1) the sum of cash disbursements for direct charges for property and services; (2) the amount of indirect expense incurred; (3) the amount of in-kind contributions, and (4) net increase or decrease in Accounts Payable or Accrued Expenses
- G. *Recipient Share of Expenditures* – Of the total project costs, enter the amount the grantee will pay. You can enter this information in either the “This Period” section or the “Cumulative section”; however do not enter in both sections. Enter the recipient share of actual cash disbursements or outlays (less any rebates, refunds, or other credits) including payments to subrecipients and contractors. This amount may include the value of allowable third party in-kind contributions. Note: On the final report, this line should be equal to the Total Recipient Share Required (Line N). Report this amount on an accrual basis
- H. *Total Expenditures* – Total of all expenditures (total project costs) as of the end of the reporting period. TEAM populates this field – lines F + G.
- I. *Federal Share of Unliquidated Obligations* - Enter the Federal portion of unliquidated obligations (binding commitments entered into for goods and services not yet received. On the final report, this line should be zero. Report this amount on an accrual basis
- J. *Recipient Share of Unliquidated Obligations* – Enter the local share of unliquidated obligations.

- K. *Total Unliquidated Obligations* – Total of grantee binding commitments entered into for goods and services not yet received. TEAM populates this field – lines I + J.
- L. *Total Federal Share* - The total FTA is expected to contribute to the Total Project Costs. This is the sum of Federal Share of Expenditures (Line F) and Federal Share of Unliquidated Obligations (Line I). TEAM populates this field – lines F + I.
- M. *Unobligated Balance of Federal Funds* – Federal share of the grant the grantee has not entered into a binding commitment. TEAM populates this field – lines E - L.
- N. *Total Recipient Share Required* – This amount represents the total required recipient share for the grant including amendments. The required recipient share should include all matching and cost sharing provided by recipients and third-party providers to meet the level required by FTA. TEAM populates this field.
- O. *Remaining Recipient Share to be Provided* – The Total Recipient Share required (Line N) minus the sum of Recipient Share of Expenditures (Line G) and the Recipient Share of Unliquidated Obligations (Line J). TEAM populates this field.
- P. *Federal Program Income on Hand at the Beginning of the Reporting Period* – Enter any unspent Federal Program Income on hand at the beginning of the grant. In most instances, this line will be zero.
- Q. *Total Federal Program Income Earned* - Enter the amount of Federal program income earned as of the end of the reporting period. Program income is gross income received by the grantee or subgrantee directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period. Examples: income from (1) fees for services performed, (2) from the use or rental of real or personal property acquired with grant funds, (3) from the sale of advertising and concessions, and (4) from the sale of commodities or items fabricated under a grant agreement.
- R. *Federal Program Income Expended in Accordance with the Deduction Alternative* - Enter the amount of program income that was used to reduce the Federal share of the total project cost. **Only to be used if the grantee does not exercise the provisions of the Common Rule @ 49 CFR part 18.25(g)(5).** As a rule of thumb, this field is zero.
- S. *Federal Program Income Expended in Accordance with the Addition Alternative* – FTA does not allow this method – this field is zero.

T. *Federal Program Income Expended on Allowable Transit Capital and Operating Expenses* - Of the Federal program income earned, enter the amount the grantee is allowed to spent on allowable transit capital and operating expenses as provided in the Common Rule at 49 CFR part 18.25(g)(5)

U. *Unexpended Federal Program Income* - TEAM populates this field.

5310 – State Administration, Planning and Technical Assistance (to be revised subsequent to FTA final guidance)

The Missouri Department of Transportation (MoDOT) is designated by the Governor to administer Section 5310 in Missouri. Grant administration rests with the transit section in the Multimodal Operations Division. Extensive support is provided by the Department's legal, general services (procurement), fiscal services and auditing staff. The Departmental designation letter is on file with the FTA. See also "Project Selection Criteria and Method of Distributing Funds" for role of Metropolitan Planning Organizations (MPO). See also page 7 "Coordination" and page 39 "Private Sector Participation" of this plan for other organizational roles.

This State Management Plan (SMP) describes the State's policies and procedures for administering the Section 5310 program. The SMP further clarifies the requirements from the 5310 circular and allows the State to tailor the program to their sub-recipients needs.

**1 State Administrative Costs** - The State is permitted to reserve up to 10% of Section 5310 funding for costs incurred administering the grant. These funds will be used to pay for the 5310 administrators salary, training and technical assistance to the recipients of the grant.

**2 Planning Workshops** - With the inception of the coordination planning requirements mentioned previously, MoDOT conducted 11 workshops (in 2007) statewide and again conducted seven (7) workshops (in 2011 – 2012) statewide to familiarize the RPCs and other interested parties in the planning process. A CD was also distributed with the workshop presentation and other information to all attendees. MoDOT will continue to work with the RPCs in updating the Local Plans required and conducting other workshops, as needed. These workshops were conducted using administration funds made available through the FTA.

**3 Compliance with FTA Requirements** - MoDOT will comply with all federal requirements as contained in the FTA Master Agreement.

**4 TEAM Grant Management** – The Section 5310 Program Manager will apply for federal funds though FTA's TEAM software system. A

program of projects will be developed that includes the following information for each subrecipient:

- Location
- Service Area
- Status as Public or Non-Profit Agency
- Status of Small Urbanized Area or Nonurban Area
- Federal Share
- Total Cost
- Congressional District
- Description of Project

**5      *SAM II Accounting System*** – MoDOT uses the State Office of Administration's SAM II accounting system to track grant payments. The Multimodal Operations division has two full-time employees who enter all transactions in the system.

MoDOT completed a long-range plan (released April 11, 2007) that included transit issues. The plan was developed from stakeholder committees that met four times during the planning process. Transit issues discussed were the need for capital investment and continued operating support for the transit systems.

MoDOT works with local public officials through the regional planning

The department also manages the state Missouri Elderly Handicapped and Transportation Assistance Program (MEHTAP) that can fund up to 50% of the operating costs for those transportation providers that serve the handicapped and aging populations throughout the state of Missouri.

5311 – State Administration, Planning and Technical Assistance (to be revised subsequent to FTA final guidance)

The department provides local assistance and monitoring for all projects.

**MoDOT Internal Control:** The department staff also includes a finance and budget accountant who oversees the financial management of Federal Transit Administration grants. An objective of the department is to provide sound technical assistance on a continuing basis to all grantees.

The RTAP program (Section 5311(b)) has been incorporated into the department's technical assistance effort. The goal of this program is to provide instruction designed to fulfill the training needs of recipients of Section 5311 funded projects. The Directors of the Section 5311 funded systems act as an advisory committee for the RTAP program. RTAP activities are discussed annually at the MPTA conference as well as at any administrative training held throughout the year.



5316 – State Administration, Planning and Technical Assistance (applicable to FFY 2012 & earlier funded grants)

**Requests for Reimbursement** – All subrecipients will be issued reimbursement forms to be used when requesting grant funds. The following information must be submitted:

Number of Rides Provided during the time period  
Number of Individuals Served  
Mileage  
Detail of Expense  
Detail of Fares, Local Match and Other Revenues

Program Income: sub-recipients are required to report program income on the monthly / quarterly requests for reimbursement. Program income includes revenues from advertising, room rental of any federally funded facility, and voluntary rider donations. This information must be reported annually by MoDOT to FTA as an accumulative total for each grant.

The request for reimbursement must include an original signature of an officer or director of the subrecipient. Faxed requests will not be honored except under special circumstances. Recipients must request reimbursement on a monthly or quarterly basis with requests due 60 days after the close of the period. Additionally, MoDOT may request information be submitted on a semiannual or annual basis to comply with federal requirements.

The number of rides provided is one of the performance measures that will be reported to the FTA. Recipients will be expected to send in requests for reimbursement in a timely manner so this information can be forwarded to the FTA annually.

**Reporting in FTA' TEAM System** – The department is required to submit annual updates to FTA through their electronic grant management system (known as TEAM). The following is Multimodal Operations procedure for reporting unliquidated obligations for Federal Financial Reports (FFR):

1. When a grant is awarded by FTA and executed by MoDOT's Multimodal Operations Director, a Program of Projects (POP) is given to the Financial Services Specialist by the Multimodal Operations Specialist managing the grant that provides scope-level detail of the budget for the grant.
2. With the grant's Program of Projects summary detail, the Financial Services Specialist will enter the total grant budget with scope detail into the SAM-II (Financial Advantage, the State of Missouri accounting system).
3. As agreements and contracts are commenced with sub-recipients and vendors, the value of those agreements and contracts will be entered into SAM-II as encumbered amounts which will be the amounts reported as the Federal and Recipient's shares of Unliquidated Obligations in the FFR.

4. As the agreements and contracts are disbursed, these amounts will be reported as expenditures and reported in the FFR category of Total Expenditures.
5. Taking the total amount of the grant, then deducting the expenditures and Unliquidated Obligations, will give the amount of the Unobligated Balance of Federal Funds, which will include the grant scope amount for State Administration.
6. When preparing the FFR's and before submitting them to FTA, the Financial Services Specialist will have the Multimodal Operations Specialist responsible for the grant reported review the FFR for accuracy of the amounts as well as the narrative comments reported in the FFR.

Within 90 days of final expenditures of all funds in a federal grant, MoDOT will submit a Federal Financial Report, final budget, and final program of projects through the TEAM system to FTA.

**Technical Assistance** - Technical assistance will be available for the development and evaluation of projects. First time applicants are urged to contact MoDOT's Transit Section as early in the project development phase as possible.

As JARC projects must be derived from a Local Plan, technical assistance for the development of these plans was provided through a series of 11 workshops held in various locations. Transit providers, human services agencies and the RPCs were among those invited. The Administrator of Transit made presentations to the Missouri Association of Council of Governments (MACOG), which is the RPC's statewide organization. The state administration funds available in the JARC funding was used to fund the RPCs for development of the plan. Transit staff also attended both MPO and RPC meetings during the development process.

Continuing technical assistance will consist of attendance at RPC and MPO meetings to answer questions. Transit staff regularly meet with interested committee/task forces to inform them on all the programs available. The Section 5311 program manager also provides technical assistance to Section 5311 providers who may want to receive JARC funding.

Applications are posted on MoDOT's website with information about how to contact MoDOT.

MoDOT plans to continue to work with the RPCs as Local Plans must be updated and new projects may be initiated. More workshops may be deemed necessary as the programs (5310, 5316 and 5317) evolve and mature.

5317 – State Administration, Planning and Technical Assistance (applicable to FFY 2012 & earlier funded grants)

MoDOT uses the State Office of Administration's SAM II accounting system to track grant payments. The Multimodal Operations division has two full-time employees who enter all transactions in the system.

MoDOT completed a long-range plan (released April 11, 2007) that included transit issues. The plan was developed from stakeholder committees that met four times during the planning process. Transit issues discussed were the need for capital investment and continued operating support for the transit systems.

MoDOT works with local public officials through the regional planning commission and metropolitan planning organizations whose board members are local officials. Member of the Long-Range planning team attend both policy and technical committee meetings.

All projects must be derived from a locally developed, coordinated public transit-human services plan (the Local Plan). MoDOT will assist local agencies in developing the plan. This scope of the plan must address the needs of the elderly and disabled as well as those with low incomes.

Technical assistance will be available for the development and evaluation of projects. First time applicants are urged to contract MoDOT's Transit Section as early in the project development phase as possible. In the Spring of 2007, MoDOT conducted 11 workshops across the state, to discuss the new SAFETEA-LU regulations, and to help with the coordination process. In the fall of 2008, MoDOT conducted 7 workshops across the state to provide technical assistance with each program (5317, 5311, 5316 and 5317). Seven (7) more workshops were conducted in early 2010. This workshop will become an annual event.

**Rural Transit Assistance Program (RTAP) (5311 only)**

5311- RTAP (to be revised subsequent to FTA final guidance)

Rural Transit Assistance Program (RTAP): A full-time multimodal operations specialist is assigned to provide driver training to recipients of Section 5311 projects. Specialized assistance in accounting, auditing, appraising, vehicle procurement and maintenance, and legal matters may also be provided, either by the Section 5311 Program Manager, other MoDOT staff, or attendance at classes and/or conferences.

The RTAP program (Section 5311(b)) has been incorporated into the department's technical assistance effort. The goal of this program is to provide instruction designed to fulfill the training needs of recipients of Section 5311 funded projects. The Directors of the Section 5311 funded systems act as an advisory committee for the RTAP program. RTAP activities are discussed annually at the MPTA conference as well as at any administrative training held throughout the year.

Based upon the committee's recommendations, MoDOT has employed a full-time staff person who specializes in driver training and passenger assistance techniques. The RTAP trainer will visit any Section 5311 project and provide on-site training. The department's transit training program is updated as needed.

Funding is provided for off-site training in CPR, First-Aid and computer courses at no cost to Section 5311 projects. Funding is available for the costs of in-state training sessions (such as the MPTA annual meeting). If sufficient RTAP funds are available, out-of-state travel and training may be approved on a case-by-case basis upon submission of an application to the Section 5311 program manager.

Funds for continuing education, such as attendance at a four-year college to obtain a degree, are eligible. The following criteria must be met:

1. Prior approval must be received from the Section 5311 program manager before enrollment.
2. The student must be a full-time employee of a Section 5311 program recipient.
3. Expenses are reimbursable only after the student has completed the course and received at least a "C" grade or above.
4. Tuition only is reimbursable for up to and including 20 hours per calendar year. Expenses such as student activity fees, textbook costs, lab fees, etc. are not eligible.

### **Private Sector Participation**

#### **5310 – Private Sector Participation (to be revised subsequent to FTA final guidance)**

### **Private Sector Participation**

The Section 5310 program is to assist in areas where public transportation for the elderly and/or disabled is unavailable, insufficient or inappropriate. Therefore, each applicant organization is required to write all other transportation providers (especially private for-profit operators) within its service area to insure the service proposed cannot be provided with equipment already in service. Copies of the letters to these providers and their response must be included in each application.

A public notice allowing 30 days for response must be printed in local newspapers of the proposed service area and Publisher's Affidavit submitted to MoDOT with the application.

Should there be a negative response from an existing operator, the applicant organization should follow the instruction of "Procedures for Responding to Negative Comments from Existing Operators", next page.

### **Procedures for Responding to Negative Comments**

If negative comments are received by public or private transit or paratransit operators on projects requesting funding under Section 5310, the applicant must meet with complainant to determine how their differences may be resolved or how their services may be coordinated and/or consolidated. Means by which this coordination or consolidation of service may take place are:

1. A contract-for-service or fare-subsidy arrangement between the applicant and the existing operator; or
2. A memorandum of understanding or other agreement between the parties stating how the specialized transportation service market will be divided and how their services will be coordinated.

It is the applicant's responsibility to give the existing operators an opportunity to provide the needed service.

In case an agreement cannot be reached, the applicant must document their efforts to coordinate with the existing operator. The applicant must provide documentation to MoDOT that the service provided or offered to be provided by the existing operator is insufficient or inappropriate in terms of type of service, quantity or quality of service, or cost of service. The existing operator will then be given an opportunity to respond to the argument presented by the applicant.

MoDOT will make the final decision as to whether the proposed Section 5310 project or part of the proposed project will be considered for funding. The state's decision will be based on:

1. The degree to which the service provided or offered to be provided by the existing operator is insufficient or inappropriate to meet the need; and
2. The degree to which a good-faith effort was made to involve the existing operator to the maximum extent feasible in the planning and provision of service.

5311 – Private Sector Participation (to be revised subsequent to FTA final guidance)

### **PRIVATE OPERATORS**

A public entity or not-for-profit recipient may use a for-profit company as their provider if they do not wish to operate their own transit system. The recipient must adhere to a bidding process that includes: 1) public notification of the bid solicitation, 2) bid packets being made available to all potential bidders, and 3) the bid packets including all FTA assurances and certifications required of the recipient. The department will review the bid packet prior to solicitation of bids or proposals and concur in the award of bid as well as reviewing the third party contract before execution. All contracting parties must sign a

written contract that includes relevant FTA assurances and certifications, and any additional requirements contained in the agreement between MoDOT and the grantee. A copy of the executed contract must be submitted to MoDOT.

## **PARTICIPATION BY PRIVATE PROVIDERS**

Private providers are made aware of proposed projects through the required notices of public hearings. The charter bus and school bus provisions of local project agreements protect charter bus and school bus operators.

Local organizations are encouraged to use private providers in their Section 5311 project to the greatest extent possible. The department has developed standard procedures for soliciting private bids and executing subcontracts (see pages 66 – 71 “Procurement”). Local projects that make use of taxi services are also encouraged.

### 5316 – Private Sector Participation (*applicable to FFY 2012 & earlier funded grants*)

**Private Section Participation** - Private for-profit entities are not eligible to apply for JARC funding. However, MoDOT encourages subrecipients to contract whenever feasible with the private sector for service. Local organizations are encouraged to use private providers in their Section 5316 projects to the greatest extent possible. The department has developed standard procedures for soliciting private bids and executing subcontracts. Local projects that make use of taxi services are also encouraged.

### 5317 – Private Section Participation (*applicable to FFY 2012 & earlier funded grants*)

**Private Sector Participation** - Private for-profit entities are not eligible to apply for New Freedom funding unless they are operators of public transportation services. However, subrecipients (mostly non-profit entities) may contract with the private-for-profit operators for service. All applicants should have procedures for providing for the maximum feasible participation by private-for-profit providers.

## **Civil Rights**

### Civil Rights (All Programs)

#### **Title VI of the Civil Rights Act of 1964**

All applicants are required to adopt an agency Title VI Civil Rights Non-discrimination Plan as well as execute the standard Civil Rights Assurances that is provided in the Application Guideline Booklet. The required Local Civil Rights Assurance is submitted to the department in the application and kept on file in the recipient's folder. Recipients of FTA assistance are monitored for civil rights compliance with annual reporting and during onsite reviews. Civil rights complaints must be submitted in writing, with copies

sent to the MoDOT program manager. Complaints must be signed by the complainant and shall state the facts and circumstances surrounding the alleged discrimination. Complaints that are either resolved or not resolved at the local level will be reported to MoDOT within 30 days. MoDOT may investigate unresolved complaints and, with FTA's concurrence, may deny funding or repossess equipment from any grantee whose policies and actions are deemed to be in non-compliance. Any legal action filed against a subrecipient must be reported to MoDOT within 30 days.

Incorporated in each sub-recipient's Title VI plan is the responsibility for monitoring the existence of populations within their service area who may have limited English proficiency. Each agency completes a four-factor assessment that includes: 1) the number and/or proportion of LEP populations within the service population, 2) frequency that these populations need service, 3) service provided by the department, and 4) resource available to the agency to meet their needs. This LEP 4-factor analysis and LEP plan is a component of the agency's broader Title VI plan.

Sub-recipients are responsible for monitoring this issue on a local level within their service area. Recipients whose service areas include populations with limited English proficiency must develop and implement strategies to make the service accessible to those populations. Translator services, language instruction for dispatchers and drivers, and bilingual advertising and signage are examples of those strategies.

#### **Title VI Civil Rights Notice Requirement**

The box below contains the suggested wording to be placed on all vehicles, at all facilities and to be included in any public information such as brochures, maps, etc.

<i>Notifying the Public of Rights Under Title VI (NAME OF TRANSIT AGENCY)</i>	
<ul style="list-style-type: none"><li>• <i>The (NAME) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful, discriminatory practice under Title VI may file a complaint with (NAME).</i></li><li>• <i>For more information on the (NAME)'s civil right program, and the procedures to file a complaint, contact (telephone number) (TTY number). You may also contact us by mail at (mailing address, city, state, zip), email (appropriate email address), or visit our administrative offices at (street address, city, state, zip).</i></li><li>• <i>You may also visit our website at (your website address).</i></li><li>• <i>If information is needed in another language, contact xxx-xxx-xxxx.</i></li></ul>	

***Make sure the information above is also provided in any languages spoken by Limited English Proficiency (LEP) populations in your service area. Font size must be large enough to be easily read***

### **Procedures to Monitor Title VI Notice Compliance for Grant Recipients**

1. Every three years, sub-recipients are required to submit an updated Title VI Civil Rights program plan to MoDOT for review and concurrence.
2. Annually, sub-recipients report on Civil Rights related activity,
3. Sub-recipients are required to report Civil Rights related lawsuits to MoDOT within 30 days of receipt,
4. Each applicant will be required to include the following sentence in the published public notice associated with their annual operating/capital application:

*"GRANTEE (name) does not discriminate on the basis of race, color, or national origin in the provision of services."*

5. The MoDOT grant applications available on MoDOT's web site for the public to view and sent to the grantees will include the statement above with contact information. Also, the MoDOT grant applications contain the following:

#### **MoDOT's Commitment to Civil Rights**

Title VI of the Civil Rights Act of 1964 is a Federal law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive Federal financial assistance. Reference to Title VI includes other civil right provisions of Federal statutes and related authorities to the extent they prohibit discrimination in programs and activities receiving Federal financial assistance.

Title VI compliance is defined as when the recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort has been made toward achieving this end. MoDOT and all Section 5309/5310/5311/5316/5317 program recipients must meet these requirements.

All programs conducted by MoDOT and the Section 5309/5310/5311/5316/5317 program recipients must meet the requirements. Education, training, work opportunities, benefits, and provision of services are examples of programs that must meet the Title VI requirements, whether provided directly by the recipient or its agents, contractors, or other vendors.

Discrimination is defined as: an act (action or inaction) whether intentional or unintentional, through which a person or group, solely because of race, color, national origin, disability, sex, age or income status, has been otherwise subjected to unequal treatment or impact, under any program or activity receiving Federal financial assistance.



A complaint may be filed by any individual or group that believes they have been subjected to discrimination or retaliation based on their race, color, national origin, sex, age, disability or income status. The complaint may be filed by the affected party or a representative and must be in writing.

Section 5309/5310/5311/5316/5317 program recipients who feel they have been discriminated against by any MoDOT employee or its agent/contractor may contact MoDOT's External Civil Rights Office. A review will be made to determine if MoDOT has jurisdiction to investigate the issues raised. If MoDOT does not have jurisdiction, the complaint will be forwarded to the appropriate agency. If MoDOT does have jurisdiction, the allegations will be investigated and an attempt will be made to resolve the matter. If violations are found and negotiations to correct the violation are unsuccessful, enforcement proceedings may be initiated to attain compliance.

In addition, any individual or group who believes they have been discriminated against by an employee of a Section 5309/5310/5311/5316/5317 program recipient or its agent/contractor should first contact the Section 5309/5310/5311/5316/5317 recipient in writing. MoDOT should also be notified of the complaint within 5 working days.

MoDOT and the Section 5309/5310/5311/5316/5317 program recipients are prohibited from retaliating against any person because they reported an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI. If an individual or group believes they have been retaliated against, they should immediately contact MoDOT's External Civil Rights Office to report their allegation. Filing a complaint with MoDOT does not prevent an individual or group from seeking remedy through other resources.

Complaints should be addressed to:

External Civil Rights/Title VI Coordinator  
P. O. Box 270  
Jefferson City, MO 65102  
573-526-2978

## **EQUAL EMPLOYMENT OPPORTUNITY**

All applicants must agree to Federal Transit Administration equal employment requirements that are made a part of the Subrecipient Agreement. MoDOT requires an Equal Employment Opportunity program plan prepared in accordance with FTA Circular 4704.1 to be submitted by Section 5311 recipients with 50 or more employees and who have received capital or operating assistance grants, or a combination thereof, in excess of \$1,000,000 in annual FTA funding, or in excess of \$250,000 of FTA planning funds, in the previous federal fiscal year. Recipients are monitored for compliance during field inspections.

## **DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

The Disadvantaged Business Enterprise (DBE) Program is designed to provide a level playing field for minority, low income and women-owned companies to compete and perform on USDOT funded contracts. Subrecipients report semi-annually on their federally funded procurement activity and the participation by certified DBE firms in those procurements.

## **ENVIRONMENTAL JUSTICE (EJ)**

All new construction as well as rehabilitation of an existing structure that changes the footprint of the building will take into consideration the impacts to the community's minorities and low-income populations. While facility projects will generally not have a significant impact on a community, adverse effects must be considered with regards to community cohesiveness, destruction or disruption of public or private service, change in employment opportunities, traffic and parking issues, environmental quality, and historic structures. Before undertaking a facility project, sponsors must conduct both a Title VI analysis and an EJ analysis of the project. FTA has separate guidance circulars that address each analysis process.

## **Maintenance**

### **5310 – Maintenance (to be revised subsequent to FTA final guidance)**

#### **Vehicle/Equipment Preventative Maintenance Requirements -**

Recipients must keep Section 5310 funded vehicles and equipment in good operating order. As a minimum, vehicles will be maintained in accordance with manufacturers suggested preventative maintenance schedule. All accessible vehicles covered by ADA requirements must be maintained in such a manner that ensures all lifts, securement devices, ramps, signage and systems that allow communications with hearing and vision impaired individuals is readily accessible to and usable by these individuals. Out of order equipment must be repaired promptly. When an accessibility feature is out of order, the 5310 recipient shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. Onsite reviews will ensure these requirements are being met.

### **5311 – Maintenance (to be revised subsequent to FTA final guidance)**

**Maintenance:** Grantees are responsible for ensuring each vehicle is maintained in accordance with vehicle manufacturers' standards and any neglect or misuse of equipment will be the responsibility of the local organization. Thus, grantees will be financially responsible if the vehicle or other equipment cannot be resold at its fair market value.

A maintenance program is required for all vehicles, facilities, and/or equipment purchased using federal funds. Maintenance records must be kept for individual items and/or major components (such for each vehicle or the heating/air conditioning system in a building). The records should include both routine (preventive) and demand maintenance.

All grantees must maintain the ADA accessibility of all vehicles and facilities. If accessible vehicles are not available (due to breakdown or accident), the grantee must either acquire accessible vehicles from other grantees or the service must be shutdown. While grantees are allowed to have a mix of vehicle types in their fleets, the number of accessible vehicles available for service during any time period must be adequate to meet demand.

### **ROLLING STOCK Audit and Inspection**

MoDOT staff will conduct all rolling stock audits required by FTA. Recipients are required to maintain a log on each vehicle detailing repairs and preventive maintenance. Department staff will inspect vehicles for condition, cleanliness, presence of safety equipment including, but not limited to, first aid kits, blood borne pathogens kits, seat belt cutters, and fire extinguishers. Lift equipment and wheelchair restraints will also be inspected.

5316 – Maintenance (*applicable to FFY 2012 & earlier funded grants*)

**Rolling Stock Audit and Inspection** - MoDOT staff will conduct all rolling stock audits required by FTA. Recipients are required to maintain a log on each vehicle detailing repairs and preventive maintenance. Department staff will inspect vehicles for condition, cleanliness, presence of safety equipment including, but not limited to, first aid kits, blood borne pathogens kits, seat belt cutters, and fire extinguishers. Lift equipment and wheelchair restraints will also be inspected. At a minimum, vehicles must be maintained according to the manufacturer's recommendations and warranty requirements

5317 – Maintenance (*applicable to FFY 2012 & earlier funded grants*)

**Vehicle/Equipment Preventative Maintenance Requirements** - Recipients must keep Section 5317 funded vehicles and equipment in good operating order. As a minimum, vehicles will be maintained in accordance with manufacturers suggested preventative maintenance schedule. All accessible vehicles covered by ADA requirements must be maintained in such a manner that ensures all lifts, securement devices, ramps, signage and systems that allow communications with hearing and vision impaired individuals is readily accessible to and usable by these individuals. Out of order equipment must be repaired promptly. When an accessibility feature is out of order, the 5317 recipient shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. Onsite reviews will ensure these requirements are being met.

**Rolling Stock Audit and Inspection** - MoDOT staff will conduct all rolling stock audits required by FTA. Subrecipients are required to maintain a log on each vehicle detailing repairs and preventive maintenance. Department staff will inspect vehicles for condition, cleanliness, presence of safety equipment including, but not limited to, first aid kits, blood borne pathogens kits, seat belt cutters, and fire extinguishers. Lift equipment and wheelchair restraints will also be inspected.

### **Charter Rule (All Programs)**

In general, MoDOT discourages sub-recipients from performing charter service due to the complexity of the regulation and the inherent risk for potential non-compliance.

As a condition of the receipt of FTA funding, an applicant is required to execute a certification that the organization, and each of its subrecipients, and third party contractors at any level who using FTA-funded vehicles, using equipment or facilities acquired with FTA financial assistance only provide charter service in compliance with the regulations set forth in 49 CFR Part 604.

Charter regulations apply to recipients and subrecipients and third party operators who utilize FTA funded equipment in the delivery of service. FTA has long held, however, that mere utilization of non-FTA funded equipment does not allow a recipient to perform charters as such equipment may be maintained at FTA constructed facilities, maintained by FTA funded mechanics, etc.

“Charter Service” means, but does not include demand response service to individuals:

- Transportation provided by a recipient / subrecipient at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristic of charter service:
  - A third party pays the transit provider a negotiated price for the group;
  - Any fares charged to individual members of the group are collected by a third party;
  - The service is not part of the transit providers regularly scheduled service, or is offered for a limited period of time; or
  - A third party determines the origin and destination of the trip as well as the scheduling; or
- Transportation provided by a recipient / sub-recipient to the public for events or functions that occur on an irregular basis or for a limited duration and;
  - A premium fare is charged that is greater than the usual or customary fixed route fare; or
  - The service is paid for in whole or in part by a third party.

"Demand Response" means any non-fixed route system of transporting individuals that requires advanced scheduling by the customer, including services provided by public entities, nonprofits, and private providers.

"Exclusive" means service that a reasonable person would conclude is intended to exclude members of the public.

The definition of "Charter Service" specifies several characteristics of what does and does not constitute charter service: Components of charter service include:

1. A third party arranges and **negotiates** a price for the service. The arrangement does not have to be in writing.
2. The group has acquired **exclusive** use of the vehicle.
3. Transportation is by **bus or van**. It should be noted that these two categories are inclusive of all public transit vehicles, including replica trolley vehicles.
4. The service is not part of the transit provider's **regularly scheduled service**.
5. Service is offered for a single trip or for a limited amount of time.
6. The **group has specified the origin, destination**, and any intermediate stops in the travel itinerary.
7. Service is provided to the public for events or functions that occur on an **irregular basis** or for a **limited duration** and
  - a. A **premium fare** (e.g. high than the regular fare is charged; or
  - b. A **third party pays**, in whole or in part, for the service.

The service does NOT need to meet all of these elements to be considered "Charter Service". The definition of charter service includes service by a public transit provider that is irregular or on a limited basis for a premium fare that is greater than the usual or customary fixed route fare OR service for which a third party pays all or part of the costs for the service. If any or all of these elements exists, the service may be deemed charter service and subject to the regulations.

FTA further states that service provided in demand response mode to individuals is categorically defined as **not** being charter service.

### **Exemptions from the Charter Regulations**

An **exemption** from the Charter Regulations means that the provisions of 49 CFR Part 604 do not apply. It is not necessary for a sub-recipient to register with FTA's on-line charter service registration process to perform **exempted** services. Registration is required prior to the performance of **exceptions** to the regulation that are discussed later.

The following are six (6) categories of **exemptions** of service that do not require registration:

1. Transport of Employees – If a transit system that is a FTA recipient is only transporting its own employees, or the employees of other transit systems for transit purposes, then this movement is not consider transit service. This exemption also applies if the transit system is transporting the following individuals to/from transit facilities or transit projects within it geographic service area or proposed geographic service area for the purpose of conduction oversight functions such as inspection, evaluation or review.
2. Transport of Employees for Emergency Preparedness Planning – When a transit system transports the same group of listed employees (above) and related parties for purposes of emergency preparedness planning and operations, the charter regulations do not apply.
3. Nonurbanized Area Employee Training – Transit systems in nonurbanized areas may transport their own employees, other transit system employees, transit management officials and contractors and bidders to or from transit training outside it geographic area without the service being deemed charter service by the FTA.
4. Program Exemption – Charter rules do not apply to recipients under the following programs:
  - a. Section 5310 – Enhanced Mobility of Seniors and Individuals with Disabilities,
  - b. Section 5311 – Rural Area Formula Program,
  - c. Section 5316 – Job Access and Reverse Commute (JARC) Program; and
  - d. Section 5317 – New Freedom Program,

This exemption applies only when the sub-recipient is providing charter for **program purposes only**. FTA defines “program purpose” as:

“Program purpose” means transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities, or low income individuals).

Thus, systems funded under these four programs are exempt **provided** the charter service is undertaken on behalf of a human service agency or “Qualified Human Service Organization (QHSO)” or is provided to one of the three targeted population groups. If a charter service does not meet the definition listed above, then the program exemption **does not apply**.

5. Private Charter Operators that Receive FTA Assistance (directly or indirectly) – There may be instances where a private charter company receives, either directly or indirectly, financial assistance under an FTA program. In such cases, FTA’s charter rules do not apply to those providers’ non-FTA funded activities.
6. National, State or Local Emergencies – Transit systems that provide service in direct response to an emergency declared by the President, a governor, a mayor, or in an emergency requiring immediate action prior to a formal declaration are exempt from the regulation. If the emergency lasts more than 45 days the transit

system must request permission from the FTA Administrator to continue the service.

### **Exceptions within the Charter Regulations**

Prior to performing any defined charter service exceptions within the regulations, transit provider sub-recipients must register on-line with FTA's Charter Operator Registration system and maintain records of all charter services performed. The Internet address of the FTA's Charter Operator Registration web site is:

<http://ftawebprod.fta.dot.gov/CharterRegistration/Default.aspx?p=%2fCharterRegistration%2f>

Additionally, Qualified Human Service Organizations (QHSOs) that believe they will required the a transit sub-recipient to provide charter services and that QHSO organization does **not** receive funds from any of the designated Federal programs listed in Appendix A of the regulation 49 CFR Part 604 must also register 60 days prior to the charter service being performed.

The six (6) categories of charter service **exceptions** in regulation are as follow:

1. Government Officials / Governmental Business Exception – Transit agencies, sub-recipients, may under this exception provide charter service to governmental officials (Federal, State, and local) for official business, which can include non-transit related purposes, if the recipient / sub-recipient:
  - a. Provides the service in it geographic service area,
  - b. Does not generate revenue from the charter service, except as required by law; and
  - c. After providing such service, records the following:
    - i. The government organization's name, address, phone number and e-mail address,
    - ii. The date and time of service;
    - iii. The number of passengers (specifically noting the number of government officials on the trip);
    - iv. The origin, destination, and trip length (miles and hours);
    - v. The fee collected, if any; and
    - vi. The vehicle unit / fleet number of the vehicle used to provide the service.
  - d. The key elements to qualify for this exception is that the trip must include governmental officials, the trip must be for a government purpose and the trip does not generate revenue.
  - e. Limitations – the regulation limits such charters to 80 hours per year. A transit system may petition the FTA Administrator for additional allowances above the 80 annual hours noted above. Petitions must contain the following information:

- i. Date and description of the official government event and the number of charter service hours requested;
  - ii. Explanation of why registered charter providers in the geographic area cannot perform the service (e.g., equipment, time constraints, or other extenuating circumstances); and
  - iii. Evidence that the recipient / sub-recipient has sent the request for additional hours to registered charter providers in the geographic service area.
2. Qualified Human Service Organizations (QHSO) – A transit system recipient, (particularly of Section 5307 or Section 5309 funding – see earlier discussion of exemption for Sections 5310, 5311, 5316 and 5317), may provide charter service under this exception to a qualified human service organization (QHSO) for the purpose of serving persons:
  - a. With mobility limitations related to advanced age;
  - b. With disabilities; or
  - c. With low income.

The necessity for a QHSO to register will depend upon whether than agency receives funding from one of the 64 different Federal programs identified by the GAO as funding passenger transportation. The list of these 64 programs is identified in an Appendix to the regulation. If the organization **does** receive such funding, then there is no need for that QHSO to register. However, if the organization does not receive such funding, then registration is required before a transit system can provide charter service to that organization.

Transit System Recordkeeping Requirements – When a transit system provides charter service to a QHSO under this exception, it is the transit system's responsibility to maintain specific records documenting the service, including:

- a. The QHSO's name, address, phone number and e-mail address;
  - b. The date and time of the service,
  - c. The number of passengers transported,
  - d. The origin, destination and trip length (miles and hours),
  - e. The fee collected, if any; and
  - f. The vehicle number for the vehicle used to provide the service.
3. Leasing FTA Funded Equipment and Drivers – Under this exception, a transit system, sub-recipient, may lease its FTA funded equipment and provide drivers to a registered charter provider for charter service under the following four (4) conditions:
  - a. The private charter operator is registered on FTA's charter registration website;
  - b. The registered charter provider owns and operates buses or vans in a charter service business;
  - c. The requested charter provider received a request for charter service that exceeds its available capacity either of the number of vehicles operated by



the registered charter provider or the number of accessible vehicles operated by the registered charter provider; and

- d. The registered charter provider has exhausted all of the available vehicles of all registered charter providers in the recipient's geographic service area.

Transit System Recordkeeping Requirements – When a transit system provides FTA funded equipment and drivers to a registered charter operator, it has the responsibility to maintain specific records documenting that service, including:

- a. The registered charter providers name, address, telephone number and e-mail address;
- b. The number of vehicles leased, types of vehicles leased, and vehicle identification numbers; and
- c. The documentation presented by the registered charter provider in support of items (a) – (d), above.

4. No Response by a Registered Charter Operator to a Notice – A transit system, sub-recipient, may provide charter service if, after posting notice on the FTA's charter site, no registered charter provider responds indicating they can provide the requested charter service. FTA has established specific timeframes for responses to a transit system's notice.
  - a. If the requested charter service is to be performed within 30 days or less, the transit system must allow 72 hours for private charter operator response; or
  - b. If the requested charter service is to be performed 30 days or more from the date of request, then the transit system must allow 14 days for private charter operator response.

A transit system may not provide charter service if a registered charter provider indicates an interest in providing the charter service set out in the notice.

Transit System Reporting Requirements – Like other exceptions, the transit system, sub-recipient, has the responsibility to maintain specific records documenting the service, including:

- a. The group's name, address, phone number, and e-mail address,
- b. The date and time of the service,
- c. The number of passengers,
- d. The origin, destination, and trip length (miles and hours),
- e. The fee collected, if any; and
- f. The vehicle number for the vehicle used to provide service.

5. Agreements with Registered Charter Operators – FTA will permit a transit system to provide charter services as long as the service is consistent with an agreement entered into with ALL registered charter providers in the recipient's geographic service area.

A transit system that negotiates an agreement with registered charter operators within their geographic service area may face a situation where a new company or an existing company that had not previously been on the list now registers with FTA. In this situation, the transit system may provide charters pursuant to the agreement for an additional 90 days. Thereafter, the newly registered provider must be part of the negotiated agreement.

Any party to a previously negotiated agreement with a transit system may cancel the agreement at any time after providing the transit system with a 90-day notice.

Transit System Recordkeeping Requirements - Charters performed by transit systems under such an agreement must be documented and reported.

6. Petitions to the FTA Administrator – If none of the previous exceptions apply, a transit system may petition the FTA Administrator for an exception to the charter service regulations to provide charter service. The circumstances under which such a petition will be granted are limited; however, and are generally restricted to:
  - a. *Events of regional or national significance* – Transit systems must submit the petition at least 90 days before the first day of the event in which charter services are to be provided. To submit an exception petition to provide charter service at an event of regional or national significance, the transit system must include the following in the submission:
    - i. The date and description of the event,
    - ii. The type of service requested and type of equipment to be used,
    - iii. The anticipated number of charter service hours needed for the event,
    - iv. The anticipated number of vehicles and duration of the event; and
    - v. A description of how registered charter providers will be utilized in providing the charter service, and a certification that the recipient / sub-recipient has exhausted all of the registered charter providers in its geographic service area.
  - b. *Hardship* (only for non-urbanized areas with places under 50,000 population and small urbanized areas under 200,000 population) – This condition was designed to recognize the fact that, especially in nonurbanized areas, the costs of utilizing a private charter operator based in a distant location may result in the provider's assessment of minimum trip duration charges or other tariffs that would make the cost of the charter trip prohibitively expensive. It should be noted that such hardship exceptions are not frequently granted. During the period 2001 – 2004, FTA granted only one (1) such exception. To submit a hardship exception petition, the transit system must include the following in the submission:
    - i. The date and description of the event,
    - ii. The type of service requested and its type of equipment,
    - iii. The anticipated number of charter service hours needed for the event,

- iv. The anticipated number of vehicles and duration of the event; and
  - v. A description of the economic "hardship". This means a registered charter provider has deadhead time that exceeds total trip time from initial pickup to final drop-off, including wait time. The transit system must describe how the registered charter provider's minimum duration (e.g., minimum charge) would create a hardship on the group requesting the charter service.
- c. *Unique and Time Sensitive Events* – For unique and time sensitive events, the petition to the FTA Administrator must describe why the event is unique or time sensitive and how providing charter service would be in the public's interest. Similar detailed descriptive information concerning the date, type of service, type and use of equipment should also be included.

**Record Retention** – If a transit system secures a granted petition from FTA, it must retain a copy of the Administrator's approval for a period of at least three (3) years and must include it in the transit system's quarterly report posted on the charter registration web site.

### **Recordkeeping Requirements for All Charter Exceptions**

In addition to the reporting requirements stipulated under each type of exception (where applicable), FTA also has initiated an electronic reporting process under its charter rules using TEAM.

Records must be maintained in electronic format for a period of three (3) years from the date of service or lease of vehicles / drivers. FTA does not specify the format of these electronic records.

While FTA does not specify the format for electronic data, transit systems providing charter service under these exceptions must post their charter records on the FTA charter website 30 days after the end of each calendar quarter with a copy also provided to MoDOT's Transit Section. Deadlines for posting quarterly charter reports are:

<u>Quarter</u>	<u>Deadline</u>
January 1 – March 31	April 30
April 1 – June 30	July 30
July 1 – September 30	October 30
October 1 – December 31	January 30

A single document or charter log may include all charter service trips provided during the quarter reported. FTA also has a sample, single form, on its charter website. These documents must be converted to .pdf for MoDOT's use in TEAM reporting.

In all records, the transit system must include a clear statement identifying which exception the system relied upon when it provided the charter service.

In certain situations, it may be permissible for a transit system to exclude information about a charter trip's origin or destination for safety and security reasons. If a transit system elects to exclude such data, the record of the service must describe the reason why such information was excluded and provide generalized information instead of providing specific origin and destination information.

### **FTA Ombudsman for Charter Service**

The ombudsman can assist transit systems with questions about the charter regulation:

Ombudsman for Charter Service  
Federal Transit Administration  
1200 New Jersey Ave., SE. Room E54-410  
Washington, DC 20590

Tele: (202) 366-4063  
FAX: (202) 366-3809  
E-mail:  
[ombudsman.charterservice@dot.gov](mailto:ombudsman.charterservice@dot.gov)

### **Section 504 and ADA (All Programs)**

***RESPONSE TO SMR FINDING*** – *Submit to the FTA Regional Civil Rights Office an updated SMP that includes procedures for ensuring that subrecipients comply with required service provisions.*

### **Section 504 and the Americans with Disabilities Act (ADA)**

Section 504 of the Rehabilitation Act of 1973 (see also 29 USC 794) preceded the Americans with Disabilities Act (ADA). Section 504 prohibits discrimination on the basis of disability by recipients of federal financial assistance. USDOT's Section 504 regulations (49 CFR Part 27) remain in effect. The USDOT initially issued regulations to implement the ADA, effective January 26, 1992.

The Americans with Disability Act (ADA) is a civil rights law enacted by the US Congress in 1990. The FTA enacted regulations in support of the ADA that define the delivery of transportation services. The regulations require specific actions on the part of transit providers. The FTA's ADA regulations are found in the USDOT 49 CFR Parts 37 and 38: *Transportation for Individuals with Disabilities*; Final Rule, Friday September 8, 1991. Subsequent regulatory revisions and updates have been issued by FTA. These regulations apply to all providers of public or private transportation services whether or not they receive state or federal funding assistance. These rules are available on the Federal Transit Administration's web site at the following link:  
[http://www.fta.dot.gov/civilrights/civil\\_rights\\_2360.html](http://www.fta.dot.gov/civilrights/civil_rights_2360.html)

As a condition of grant funding, subrecipients must demonstrate compliance to the ADA and the FTA's implementing regulations. Agencies will demonstrate compliance through their day-to-day operating procedures, their planning and management of transit services, public involvement and information, vehicle procurement and other activities.

Each transit agency will have written policies and procedures designed to meet the requirements. For example, the vehicle maintenance policy will include maintenance of the ADA accessible features (the lift, securement system, etc); the employee-training plan will include ADA topics. If the agency contracts out any or all of the service, the agency must be knowledgeable about how the contractor maintains ADA compliance. ADA compliance is not a one-time effort and compliance must be consistently maintained by the agency over time. New employees or changing services are not an excuse for lack of compliance.

MoDOT will routinely evaluate each subrecipient program for compliance to the ADA. Oversight will include site reviews, desk audits, review of policies and procedures, information from substantive complaints, and other means. MoDOT's Transit Section staff will also provide technical assistance, upon request.

#### *Summary of ADA Requirements*

The regulation is divided into compliance areas primarily associated with the following terms: Public; Private; Fixed Route and Demand-Response. There are other related terms. Review the definitions at 49 CFR Part 37, Subpart A, Section 37.3.

- a. *Public* means any state or local government and any department, agency, special purpose district, or other instrumentality of one or more state or local governments,
- b. *Private* means any entity other than a public entity,
- c. *Fixed route system* means a system of transporting individuals on which a vehicle is operated along a prescribed route according to a fixed schedule,
- d. *Demand responsive system* means a system of transporting individuals that is not a fixed route.

Compliance to the ADA requires that contractors comply with "stand-in-the-shoes" relationships. Generally, stand-in-the-shoes means the contractor must follow the same regulations as the subrecipient agency. For example, if a private entity is operating under contract to a public entity, then a stand-in-the-shoes relationship exists and the contracted service must conform to those requirements of the public entity. When the public entity on its own would not operate the transit service, and the service design, implementation and management is entirely the responsibility of the other entity, then the relationship between the two is defined as "pass-through" and the "stand-in-the-shoes" definition does not apply. MoDOT staff must be informed and in agreement with how those roles and responsibilities are defined.

### *ADA Service Provisions*

Public and private subrecipients providing either fixed-route or demand-responsive services must comply with the following service provisions. This is a simplified list: review the specifics for each requirement found at 49 CFR Part 37, Subpart G.

- a. Maintenance of accessible features,
- b. Procedures to ensure lift availability and operation,
- c. Lift and securement use,
- d. Announcements on vehicles of stops on fixed routes,
- e. Vehicle identification systems,
- f. Service animals,
- g. Use of accessible features,
- h. Public information / communications,
- i. Lift deployment at any designated stop,
- j. Service to persons using respirators or portable oxygen,
- k. Priority seating locations for persons with disabilities and seniors,
- l. Adequate time for boarding / alighting,
- m. Training

Receipt of FTA Section 5311 funds requires an entity that is operating a fixed route service to provide complementary paratransit service. Subrecipients of FTA Sections 5310, 5316 or 5317 who are private entities will comply with the requirements for private entities.

Prior to initiation of fixed route service operated under a MoDOT administered FTA grant, subrecipients will submit to MoDOT's Transit Section a Complementary Paratransit Plan (plan's extensive contents described in 49 CFR 37.139) and written documentation of compliance that address each of the service provisions.

### *Annual Certification and Procedure for Monitoring Fixed Route Systems for ADA Compliance*

Annual certification of compliance is required as is an updated Complementary Paratransit Plan, if service changes require changes to paratransit.

- Conduct desk reviews of annual ADA Certifications as well as ADA Complementary Paratransit Plan updates as provided by subrecipients,
- Review additional documentation from subrecipients in order to complete desk reviews.
- Schedule on-site reviews for subrecipients with deficiencies notes during desk reviews,
- Track recipient corrective action plan; conduct follow up activities and actions,
- Periodically review findings of desk and site reviews to identify annual training needs,

*Requirement for Public Providers*

The ADA has separate sets of requirements for public fixed-route and public demand-responsive services.

Fixed-Route

- a. Public operators of fixed-route services open to the general public are required to provide "complementary paratransit" to persons with disabilities that is comparable to individuals without disabilities who use the fixed-route system.
- b. Commuter bus service does not require complementary paratransit service. Commuter bus service is defined as "fixed-route bus service, characterized by service predominantly in one direction during peak period, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying areas. And may also include other service characterized by limited route structure, limited stops and a coordinated relationship with another mode of transportation." Accessible vehicle are required or proof of equivalent service.
- c. Service design strategies such as route-deviation, point-deviation, or point-to-point (and other hybrid strategies) are by definition "demand-response" only if they deviate to pick up the general public. If the service limits its deviations to specific individuals, including persons with disabilities, the service does not meet the intent of the demand-response definition and the service must conform to the ADA fixed-route rules.
- d. MoDOT requires that each new or revised public fixed-route service have written documentation that discusses how comparable service meets the requirements of 49 CFR 37.121 – 37.133 will be delivered.

Contents in the Complementary Paratransit Plan (see 49 CFR 37.139) will include:

- i. Identification of entity or entities submitting the plan,
- ii. Description of the fixed route system,
- iii. Description of paratransit services,
- iv. Description of plan to provide comparable paratransit,
- v. Description of process used to certify persons as ADA paratransit eligible,
  - a. Application process,
  - b. Administrative appeals process,
  - c. Policy for visitors,
- vi. Public participation and outreach processes
- vii. Efforts to coordinate services with other entities,

- viii. Endorsements or Certifications,
    - a. Resolution adopted by entity's board,
    - b. In urbanized areas, certification by MPO that it has reviewed the plan,
    - c. Certification that survey of existing paratransit service was conducted,
  - ix. Annual plan update process
- e. Full conformance to the ADA regulations on the first day of service to the public is required by federal law.
  - f. ADA service documentation must be submitted to MoDOT's Transit Section for review prior to service start up, if the project is funded in any part through a MoDOT administered grant.
  - g. Paratransit compliance documentation, including but not limited to the Complementary Paratransit Plan, must be approved by the public entity's governing board, reviewed regularly and amended as needed.
  - h. When new transit services requiring complementary paratransit planning impact existing service through overlapping or contiguous boundaries, it is the responsibility of the new service provider to coordinate development of an ADA strategy that provides coordinated paratransit service with neighboring jurisdictions providing transit service.
  - i. Requests for undue financial burden waivers will not be considered.

#### Demand-Response

- a. Public operators of demand responsive services must conform to requirement defined as "equivalency service standard", 49 CFR 37.77 (a) -- (e).
- b. Equivalency means that the system viewed in its entirety, provides equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the individual and is equivalent with respect to the following service characteristics. These characteristics are in addition to the service provisions.
- c. Equivalent Service Standards for public demand-responsive systems:
  - i. Response time,
  - ii. Fares,
  - iii. Geographic area of service,
  - iv. Hours and days of service,
  - v. Restrictions or priorities based on trip purpose,
  - vi. Availability of information and reservations capability; and
  - vii. Any constraints on capacity or service availability,



- d. Service strategies that are designed as route-deviation, point-deviation, or point-to-point (and other hybrid strategies) are by definition "demand-response" only if they deviate to pick up the general public.

*Requirements for Private Providers*

- i. Per 49 CFR 37.105, private providers conform to requirements defined as "equivalency service standard". The equivalency service standard applies whether the service is fixed-route or demand responsive. Private providers with a fixed-route system are not required to provide complementary paratransit, unless "standing-in-the-shoes" of a public entity.
- ii. Equivalency means that the system viewed in its entirety, provides equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the individual and is equivalent with respect to the following service characteristics. These characteristics are in addition to the service provisions.
- iii. Equivalent Service Standards for private demand responsive or fixed route systems:
  - i. Schedules / headways (if the system is fixed-route),
  - ii. Response time (if the system is demand-responsive),
  - iii. Fares,
  - iv. Geographic area of service,
  - v. Hours and days of service,
  - vi. Availability of information,
  - vii. Reservations capability (if the system is demand responsive),
  - viii. Any constraints on capacity or service availability,
  - ix. Restrictions priorities based on trip purpose (if the system is demand responsive),
- iv. Private operators are divided into two subgroups by the ADA: 1) Private not-primarily in the business of transportation, and 2) Private primarily in the business of transportation.
- v. *Private not primarily*: Fixed route system with vehicle over 16 passengers plus driver must be accessible vehicles. Fixed route system with vehicle under 16 passengers must have accessible vehicles unless the system when viewed in its entirety meets the stand for equivalent service provisions,
- vi. *Private primarily*: Fixed route system with vehicle over eight passengers (excluding over-the-road vehicles) must ensure that the vehicles are accessible.

*Requirements for Intercity Bus*

- a. Intercity bus services are offered by a variety of public and private entities through the use of various types of equipment: vans, small buses and over-the-road coaches. The type of provider and the vehicle used in service defines ADA compliance for intercity-bus service.
- b. Generally, for intercity bus services provided by private agencies primarily in the business of transportation and public agencies, unless the intercity service uses cars or over-the-road coaches, all new vehicles purchased to place into intercity service must be accessible. For specific requirements, consult with MoDOT's Transit Section.
- c. Over-the-road vehicles (also referred to as motor coaches) have special rules, published in a Federal Register notice on September 24 1998. These rules require the accessibility of new motor coaches and the accessibility of motor coach service to people with disabilities.
- d. Over-the-road bus companies must provide an accessible coach to a passenger who requests it and gives 48 hours notice. Small companies may provide equivalent service in an alternate vehicle (e.g. an accessible van) provided that the service allows passengers to travel in, and use, their own wheelchairs. The ADA requires that motor coach companies assist persons who use wheelchairs in getting on and off nonaccessible vehicles. Boarding assistance must also be provided at rest stops.
- e. Under the ADA regulations, it is considered discrimination for a motor coach company to:
  - i. Deny transportation to individuals with disabilities,
  - ii. Refuse to provide service to an individual with a disability solely because the disability results in the appearance or involuntary behavior that may offend, annoy, or inconvenience the company's employees or other persons (Note – It is not discrimination to refuse to provide service to an individual with disabilities because that individual poses a “direct threat” to others as “a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services”).),
  - iii. Use or request the use of persons other than employees (family members, companions, and medical / public safety personnel) for boarding or assistance to

- passengers with disabilities, unless the passenger requests or consents to assistance from such persons,
  - iv. Require or request a passenger with a disability to reschedule his/her trip/travel time in order to receive transportation,
  - v. Fail to provide reservation services to passengers with disabilities equivalent to those provided to other passengers,
  - vi. Require that a passenger with a disability use designated priority seats, if the passenger does not choose to use them.
  - vii. Require that a passenger with a disability travel with an attendant.
  - viii. Impose special charges on individuals with disabilities, including those who use wheelchairs, for providing services that are required or necessary to accommodate them. (For example, charging a group requesting an accessible coach a higher price than you would a group using an inaccessible coach).
  - ix. Refuse to serve an individual with a disability because its insurance company conditions, coverage or rates are based on the absence of persons with disabilities.
  - x. Fail or refuse to comply with any of the applicable ADA regulations.
- f. Entities providing public accommodations must provide equal service to individuals with disabilities in a setting appropriate to the needs of those individuals. Waiting rooms provided by intercity bus operators must be accessible to individuals with disabilities, and the opportunity for information, purchase of a ticket, etc., must be available.

#### *Vehicle Accessibility Standards*

The standards for vehicle accessibility are found at 49 CFR Part 38 and in the FTA's proposed ADA guidance circular FTA C4710.1 – Vehicle Acquisition chapter (October 2012). Generally, accessible vehicles must be able to accommodate a "wheelchair". A "wheelchair" is defined by USDOT as a mobility aid belonging to any class of three or more wheeled devices, usable indoors, designed for or modified for and used by individuals with mobility impairments, whether operated manually or powered. A lift conforming to Access Board requirements has a platform measuring at least 30" x 48", with a design load of at least 600 pounds (i.e., capable of lifting a wheelchair / occupant combination of up to 600 pounds). Working parts upon which the lift depends for support of the load, such as cables, pulleys, and shafts, must have a safety factor of at least six

times the design load; nonworking parts such as the platform, frame, and attachment hardware, which would not be expected to wear, must have a safety factor of at least three times the design load.

If a transportation provider has a vehicle and equipment that meets or exceeds standards based on Access Board guidelines, and the vehicle and equipment can in fact safely accommodate a given wheelchair, then it is not appropriate, under disability nondiscrimination law, for the transportation provider to refuse to transport the device and its user.

### *Passenger Facilities*

Facilities built using federal funds must meet ADA regulations for accessibility. Facilities that are altered using federal funds must meet ADA regulations for accessibility unless the cost of making the facility accessible is disproportionate to the overall cost of the project. Disproportionate is defined as the cost to make the facility accessible exceeds 20 percent of the total cost of the alteration. Failure to make the facility accessible as required will cause MoDOT to require the subrecipient to make the modifications to bring the facility into ADA compliance, and failure to make the required modifications will result in repayment of grant funds.

- a. Passenger facilities include, and are not limited to, passenger waiting areas, shelters and transfer stations. The guidelines for the accessibility of facilities are provided the United States Access Board at the following link:  
<http://www.access-board.gov/guidelines-and-standards/transportation/facilities/ada-standards-for-transportation-facilities>
- b. *Bus Stops*: Where new bus stop pads are constructed in areas where a lift or ramp may be deployed, they will have a firm, stable surface. The stop will have a minimum clear length of 96 inches (measured from the curb or vehicle roadway edge) and a minimum clear width of 60 inches (measured parallel to the vehicle roadway) to the maximum extent allowed by legal or site constraints; and will be connected to streets, sidewalks or pedestrian paths by an accessible route.
- c. *Shelters*: Where bus shelters are provided, the shelter will be installed or positioned to permit a wheelchair or mobility aid user to enter from the public way and to reach a location, having a minimum clear floor area of 30 inches by 48 inches, entirely within the perimeter of the shelter. An accessible route will connect the shelter to the boarding area.
- d. *Accessible route*: At least one accessible route will be provided from public transportation stops, accessible parking, and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve. The accessible route will, to the maximum extent feasible, coincide with the route for the general public. An accessible route with a running slope greater than 1:20 is a ramp. The least possible slope will be used for any ramp. The maximum slope for

a ramp in new construction shall be 1:12. A cross slope of an accessible route will not exceed 1:50.

#### *Maintenance of Accessible Features*

Subrecipients must maintain the accessible features of vehicle and facilities. The accessible features must be inspected, kept in operating condition and repaired promptly.

#### *Training*

MoDOT through the Missouri Rural Transit Assistance Program (RTAP) provides ADA driver training (Passenger Assistance Service and Safety, PASS) upon request at no cost to an agency. A complete listing of courses can be viewed at the Missouri RTAP site <http://mortap.com/>

Subrecipients who wish to request the training should contact the Missouri University of Science and Technology at (573) 341-7200 or by e-mail to [mortap@mst.edu](mailto:mortap@mst.edu)

#### *MoDOT Responsibilities*

- a. Obtain annual certifications of compliance from subrecipients,
- b. Include ADA requirements in all subrecipient grant agreements,
- c. Request documentation of ADA policies on a regular basis,
- d. Review subrecipient ADA policies and procedures and other supporting documentation, and follow up with the subrecipient agency regarding compliance issues, if needed,
- e. Award vehicle purchases that provide a selection of accessible vehicles. Obtain Certificates of Equivalent Service, if applicable,
- f. Review ADA compliance, including service, maintenance and facilities, during on-site program reviews,
- g. Offer PASS training to transit agencies through Missouri RTAP,
- h. Review and act upon ADA complaints and forward information to FTA, if warranted.

#### *Subrecipient Responsibilities*

- a. Sign certifications of compliance pertaining to ADA requirements,
- b. Establish service policies and procedures in accordance with the ADA, and submit the policies upon request to MoDOT's Transit Section,
- c. Comply with ADA service provisions for fixed route and demand-response, as appropriate to the service,
- d. Submit information about formal ADA complaints to MoDOT's Transit Section, and report regularly until the complaint is resolved. MoDOT will submit the information to the FTA regional office.

- e. Prior to initiation of a fixed route service funded by Section 5311, prepare appropriate plan, policies and procedures to implement complementary paratransit and other associated ADA service requirements. Provide annual report of compliance, changes updates, and submit the documentation to MoDOT's Transit Section for review and approval.
- f. Purchase vehicle in compliance with ADA requirements, or sign and submit a Certification of Equivalent Service to MoDOT's Transit Section prior to purchase of the vehicle(s). Update the certification annually.
- g. Include appropriate ADA information in all public information brochures and route schedules,
- h. Ensure that new and remodeled facilities are ADA accessible. If the facility is build or remodeled with a grant awarded, then subrecipient will submit documentation to ensure that the required ADA accessibility features are included.
- i. Include ADA requirements in all service agreements,
- j. Take advantage of PASS driver training, as needed.
- k. Inform MoDOT's Transit Section of any ADA complaints.

#### **Program Measures (not 5311)**

##### 5310 – Program Measures (to be revised subsequent to FTA final guidance)

The program measures for the 5310 program have been established by the Federal Transit Administration, and will be evaluated on two pieces of criteria:

- 1. Gaps in service that are filled by utilizing 5310 services; and
- 2. The number of one-way trips provided on an annual basis by 5310 providers,

##### 5311 – Program Measures (not applicable)

##### 5316 – Program Measures (applicable to FFY 2012 & earlier funded grants)

Program Measures – MoDOT is required to collect data on two annual performance measures for the JARC program. Those measures are: 1) actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage of JARC, and 2) actual or estimated number of one-way rides provided as a result of JARC projects.

##### 5317 – Program Measures (applicable to FFY 2012 & earlier funded grants)

Under the New Freedom program, Congress has established three measures that MoDOT will track. These measures are:

- 1. Increases or enhancements related to geographic coverage, service quality and/or service times that impact availability of transportation services for

- individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year
2. Additions or changes to the environmental infrastructure, technology, and vehicles that impact availability of transportation services as a result of the New Freedom projects implemented in the current reporting year; and
3. Actual or estimated number of rides (measured as one-way trips) provided for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year.

**Rural National Transit Database (Rural NTD) Reporting (5311 Only)**

The National Transit Database (NTD) (formerly the Section 15 Report) is the FTA's primary national database for statistics on the transit industry. Recipients of FTA's Urbanized Area Formula Transit Program (Sec. 5307) and Rural Formula Transit Program (Sec. 5311) are required by 49 U.S.C. 5335 (a) and (b) to submit data to the NTD as a condition of grant award.

Sub-recipients are required to provide annual reporting of rural transit data. MoDOT is responsible for the reporting of rural transit data for all Section 5311 subrecipients through the existing NTD Rural Data Reporting Module. Data that will be reported includes annual revenue, total annual operating costs, total annual capital costs, fleet size and type, and related facilities, revenue vehicle miles and ridership information.

Usually in September, every 5311 subrecipient is provided the Rural General Public Transit Service Form (RU-20) along with the instruction manual. Intercity bus providers under grant with MoDOT prepare the Intercity Bus Reporting Form (RU-21). With the exception of subrecipients that also receive 5307 funding (5307 recipients already report to the Urban NTD), all 5311 subrecipients are required to submit the report to MoDOT by the end of October of that year, unless a submission extension request has been approved by FTA.

**State Program Management**

**Procurement (All programs)**

All recipients must develop a written procurement policy that is in compliance with FTA Circular 4220.1, as amended.

At a minimum, each policy must contain the following requirements of Circular 4220.1, as amended::

1. five year limitations on rolling stock contract periods;
2. full and open competition;
3. prohibition against geographic preferences;
4. use of the Brooks Act for procurement of architectural and engineering services; and
5. inclusion in all contracts of all required federal clauses.

In addition, the requirements of the "Common Grant Rules" should be addressed in the policy.

Procurement Policy Template

**(Your Organization / Agency name)**

**Procurement Policy**

As a recipient of Federal Transit Administration (FTA) funds, (organization name) (abbr) when using FTA funds, will procure facilities, equipment, materials and services conforming to the guidance in FTA Circular 4220.1, as amended. This policy sets forth how (abbr) will comply with those requirements. FTA Circular 4220.1, as amended, is attached as Appendix A of this policy.

Procurement activities will be reviewed by the Executive Director and the Board of Directors to ensure compliance with this policy.

**1. Conduct of Directors, Employees and/or their Vendor/Agents (hereinafter Purchase Agent)**

**Conflict of Interest:** All Purchase Agents who participate in the selection or acceptance of contracts for materials, services, equipment, etc. must not participate in any transaction in which they have a financial interest. Any Purchase Agent whose immediate family member, partner, or employer would have a financial gain from a transaction will not participate in that transaction.

**Competition:** All transactions will be conducted in a manner providing for full and open competition.

**Purchase of Item(s) for Personal Use:** No Purchase Agent may purchase any items for personal use by any employee or director even if the transit system will be reimbursed at a later time.

**Gratuities:** No Purchase Agent shall solicit or accept gratuities or favors from potential or current vendors. Unsolicited nominal gifts (value of less than \$25.00) may be accepted.

**Violations:** Any Purchase Agent who violates this policy is subject to:

If a Director, removal from the Board of Directors,

If an employee, probation or termination,

If an outside vendor/agent, (abbr) will not conduct business with the agent in the future.



## **2. Purchasing Authority**

The Executive Director has the authority to approve all procurements less than \$3,000. The Office Manager has the authority to approve procurements up to \$500. Drivers have the authority to purchase fuel and other items that are immediately necessary to the operation of his/her assigned vehicle.

## **3. Procurement Procedures**

Procurements are divided into three categories based on cost: less than \$3,000, equal to or greater than \$3,000 but less than \$25,000, and \$25,000 or more. Purchases of large lots will not be broken down into smaller purchases to avoid more stringent requirements. For a complete discussion of procurement requirements, see FTA Circular 4220.1, as amended.

**Procurements costing less than \$3,000** may be made without soliciting competitive quotes. The lowest price will still be sought through the use of catalogs, online shopping, or price comparisons at stores who stock the item(s). Architectural and Engineering services exceeding \$2,000 will be procured with selection based on professional qualifications as required by the Brooks Act.

**Procurements costing \$3,000 but less than \$25,000** will be secured by soliciting competitive quotes. Telephone quotes may be used for items that do not require detailed description. (Example: 4 sets of new tires for 4 minibuses would cost more than \$3,000 but would be very simple to describe: size, warranty, etc.) Written requests for written quotes will be used for purchases requiring a detailed description (such as purchase of a copier/printer/fax).

If three quotes cannot be obtained, (abbr) will review the specifications for limiting factors that may have prevented vendors from offering pricing. If no error is found or the specifications cannot be revised to broaden competition, (abbr) will proceed with the procurement, documenting the reason(s) for the lack of competition (unavailability, need for a particular brand to match an already existing system, etc.).

If quotes are received by telephone, (abbr) will issue the chosen vendor a purchase order that has attached the applicable FTA Terms and Conditions. If the order is placed verbally, (abbr) will issue a copy of the Terms and Conditions to the vendor, ask them to sign, and return.

Written requests for written quotes will have the applicable FTA Terms & Conditions attached and the vendor must submit the quote with the following statement: "By submitting a quote, the vendor agrees to comply with the attached FTA Terms and Conditions".

Procurements costing less than \$ \_\_,000 may be approved by the Executive Director. Procurements costing \$ \_\_,000 or more must be approved by the Board of Directors prior to purchase.

**Procurements costing \$25,000** or more will be completed either through an Invitation for Bid (IFB) or a Request for Proposal (RFP) dependent upon which method is most suitable for the item/service being procured. (The \$25,000 threshold is a Missouri state requirement. The FTA threshold is \$100,000.)

(abbr) will conduct a preliminary cost analysis/estimate for comparison to Bids received. Justification for the bid to exceed the cost estimate by 10% will be documented.

#### **4. Procurement Standards**

This written procurement policy will take precedence over any verbal and/or written policies. Only those items/services clearly necessary to the operation of the transit system will be purchased

Potential sources for procurement beyond this agency's solicitation will be reviewed for applicability, such as shared use, joint agency procurement, state purchasing schedules, federal excess property or federal surplus property.

All procurements will include:

- A. Clear descriptions of the item(s)/services to be purchased;
- B. Nonrestrictive specifications that do not eliminate competition;
- C. Standards for quality/performance;
- D. Performance specifications in the description rather than product specifications; and
- E. When impractical to provide a very detailed description, the use of "brand name or equal" along with a narrative of salient features when describing a highly technical item that potential vendors will recognize.

The potential savings of leasing rather than purchasing a product will be evaluated when leasing is an option.

Plans/products/services using metric measurements will be acceptable if practicable and economically feasible.

The transit system will evaluate procurements for possible energy savings and environmental impacts. Energy savings and environmental protection may be dependent upon the funds available at the time of procurement.

All contracts executed with third-party contractors will comply with the federal requirements contained in Circular 4220.1, as amended, or the requirements of the grant

program from which federal funds will be used. Language in the executed contract will address any applicable local and/or state restrictions and resolve such conflicts with federal provisions taking precedence in cases of federally funded procurements.

## **5. Contract Disputes**

The transit system will endeavor to resolve any disputes at the local level, using the court system if necessary. MoDOT will be notified of any disputes of significant financial impact (over \$25,000) or any highly controversial issue. Any disputes with a monetary value of more than \$100,000 or highly controversial will also be reported to the Federal Transit Administration.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title (Mayor/City Manager/President)

### Procurement – Vehicle and Equipment

MoDOT purchases vehicles according to written procurement procedures and standards that comply with FTA Circular 4220.1, as amended. When other equipment is purchased locally, recipients are required to follow OMB Circular A-110 and FTA grant agreements, FTA Circular 4220.1, as amended, and local law. Transit staff will review recipients' procurement policies prior to any subrecipient purchase for compliance as well as during the field inspection. All recipients must obtain titles on vehicles even if exempted from that requirement under state law.

Vehicles are titled to the applicant organization, with MoDOT as first lien holder on each. All titles will be held, in a secured safe, at the MoDOT Transit Section office and be release only upon written request for disposal.

### Procurement – Facilities

All facilities purchased or constructed with federal assistance must follow the federal guidelines for procurement in Circular 4220.1 (as amended). A feasibility study must be completed for all facility projects, whether they are funded through the Section 5311 program or the Section 5309 Capital Program. (see pages 91- 96 "Environmental Protection").

The feasibility study will evaluate the project's cost effectiveness and its effect on the environment, including noise, water quality, air quality, impacts on wetlands, flooding, navigable waters, endangered species, and ecologically sensitive areas. Feasibility studies may be funded from the Section 5311 state administration allocation, generally on an 80% federal/20% local basis.

All new construction or rehabilitation of an existing structure will meet requirements for local land use planning and zoning, relocation, traffic and parking, energy conservation, consideration of historic properties, and will place an emphasis on safety and security. A portion of Missouri lies in the New Madrid fault zone and all facilities must be constructed and/or rehabilitated to meet current seismic and ADA accessibility requirements.

### **Financial Management**

**RESPONSE TO SMR FINDING** – *Submit to the FTA Regional Office a revised SMP that includes procedures that require subrecipients that claim indirect costs to have and comply with approved cost allocation plan.*

### **Indirect Costs and Cost Allocation Plans (for All Programs)**

Some public transit systems – such as units of local government or multipurpose nonprofit corporations – perform many departmental or program functions and would likely incur indirect expenses. In these cases, the expenditures benefit not only transit, but also other programs or departments. Examples of varied functions include, but not limited to:

- Contracted workshop transportation for agencies serving the developmentally disabled;
- Contracted senior citizen transportation for agencies serving nutritional & social needs;
- Non-Emergency Medical Transportation (NEMT) for Medicaid / MoHeathNet;
- Municipalities that provide public transit as one among many other city services,
- Transit authorities that provide both urbanized (5307) and rural (5311) transit service,
- Sub-recipients providing services in multiple programs such as 5311, 5316 and/or 5317.

Direct costs are those expenses that **can** be associated on a one-to-one basis with a particular project. These costs, when otherwise eligible, may be charged directly to the grant project.

Indirect costs are expenses for goods and/or services that **cannot** be associated on a one-to-one basis with a specific program or function.

Indirect costs are normally charged to federal grants by the use of an indirect cost rate and a cost allocation plan. A separate rate is usually necessary for each sub-recipient claiming indirect costs. In any of the above, or similar, circumstances, transit grant sub-

recipients are dividing or allocating indirect costs to seek grant reimbursement. Such indirect cost may include:

- Office rental or lease costs,
- Operation and maintenance of facility (janitorial, utilities, repairs, related insurance, etc.),
- General administration (compensation, fringe benefits, supplies, value of donated labor)

It should be noted that some items that contain an indirect cost component are often from expenses that contain both a direct and an indirect cost component. An agency is required, within reason, to break out any direct expenses from shared cost before allocating indirect cost using an overhead rate. An example of this would be rented office space where a portion of the space is dedicated to public transportation, a portion of the space is devoted to NEMT and another portion of the space is dedicated to general agency administration. The indirect costs would apply to that portion of the space used for general agency administration.

Not all sub-recipients will incur indirect costs. Those agencies with the sole purpose to provide public transit and funded out of one grant program will not likely incur indirect costs.

These cost allocation plans develop an indirect cost rate as a percentage of documented direct costs. Since each sub-recipient's mix of activities and costs will differ, the calculated indirect cost rates will most likely differ from one sub-recipient agency to the next.

**In order to claim indirect costs for grant reimbursement purposes, each such sub-recipient is required by federal regulation to submit annually to MoDOT a cost allocation plan for review and acceptance by the lead cognizant federal agency.**

The cognizant Federal agency is determined by calculating which Federal agency provides the most grant funding. When determined that the USDOT is a MoDOT sub-recipient's cognizant agency, then the submitted cost allocation plan is directed to MoDOT that, in turn, works with USDOT on the acceptance. When an agency other than USDOT is determined to be the sub-recipient's cognizant agency, then the sub-recipient forwards to MoDOT the approval letter for the cost allocation plan issued by that cognizant federal agency.

**Sub-recipients need to coordinate early with MoDOT's Transit Section in the development of their cost allocation plan. Sub-recipients will also provide a written request to MoDOT to initiate review and approval of their annual cost allocation plan, when the USDOT is the cognizant agency. Sub-recipients will likely need the assistance of a certified public accounting (CPA) firm with experience in preparing cost allocation plans, including an audited overhead rate, for nonprofit or governmental organization.**

Below are links to relevant Office of Management and Budget (OMB) guidance depending on whether the sub-recipient agency is a non-profit organization, or a local government or an educational institution:

2 CFR 230, Cost Principles for Nonprofit Organizations (OMB Circular A-122)  
[http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/2005/083105\\_a122.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/2005/083105_a122.pdf)

[http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a122/a122\\_2004.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a122/a122_2004.pdf)

2 CFR 225, Cost Principles for State, Local, & Tribal Governments (OMB Circular A-87)  
[http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/2005/083105\\_a87.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/2005/083105_a87.pdf)

[http://www.whitehouse.gov/sites/default/files/omb/assets/agencyinformation\\_circulars\\_pdf/a87\\_2004.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/agencyinformation_circulars_pdf/a87_2004.pdf)

2 CFR 220: Cost Principles for Educational Institutions (OMB Circular A-21)  
[http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/2005/083105\\_a21.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/2005/083105_a21.pdf)

[http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a021/a21\\_2004.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a021/a21_2004.pdf)

**This indirect cost issue requires immediate attention as MoDOT is precluded from considering sub-recipient indirect costs for grant reimbursement until such time as a cost allocation plan for the sub-recipient agency is approved annually and provided to MoDOT.**

Financial Management (*All programs - to be revised subsequent to FTA final guidance*)

MoDOT utilizes the *Advantage* (SAMII) electronic financial management system to maintain records of funds and funding. *Advantage* incorporates such functions as budgeting, general ledger, purchasing, accounts payable/receivable, inventory control, cost allocation and job costing. MoDOT's primary grants management system is through Transportation Electronic Awards Management (TEAM.), which allows complete data on individual grants, grantees and conditions of awards. Utilizing TEAM, MoDOT is able to accurately monitor funds in current and past grants, administration monies and also allows a reasonable estimate for future funding. MoDOT is able to keep in direct contact with the FTA through the use of this system and account for budget revisions of grants administered

## **Property Management**

### **5310 – Property Management (to be revised subsequent to FTA final guidance)**

**Property Management** - Vehicles and equipment purchased with 5310 funds are subject to the following requirements:

**1 Annual Inventory** - All subrecipients must submit an annual inventory listing of all vehicles and equipment purchased with 5310 funds. A current odometer reading for vehicles is required. Subrecipients will also be required to submit a signed certification stating the vehicle and/or equipment is being used for the purpose intended .

**2 Insurance** - Subrecipients must insure the vehicle(s) for accident liability and general collision. Replacement insurance must be carried on all equipment.

**3 Transfer of Equipment** - Capital equipment may be transferred from one 5310 subrecipient to another upon MoDOT's approval. Vehicles must meet a useful life requirement before they can be disposed.

Minimum standards for vehicle useful life are:

Vans, straight or modified - 100,000 miles  
Minibuses (body on chassis) - 100,000 miles  
Larger vehicles - as determined by Altoona test report

A subrecipient, who owns equipment that has not met its useful life, and who discontinues their 5310 project, will be required to either transfer the property to another 5310 recipient or reimburse MoDOT for 80% of the fair market value.

**4 Records** - Records must be maintained for all capital purchases. At a minimum, the following information must be included: maintenance records, agreements with MoDOT, documentation of lowest price, and invoices for equipment other than vehicles.

**5 Restrictions on Vehicle Use** - Vehicles must be used for 5310 transportation only. Personal or administrative use of vehicles is not permitted.

**6 Compliance with Federal Motor Carrier Regulations**  
– It is the subrecipients' responsibility to comply with all Federal Motor Carrier Regulations as they may apply to their operations.

MoDOT's Division of Motor Carrier Services provides technical assistance through workshops and a help desk.

#### 5311 – Property Management

All recipients are required to maintain an equipment file on all items whose original cost was \$5,000 or more. This file will contain inventory records that include, at a minimum, the following information:

- description;
- acquisition date;
- federal participation percentage
- condition
- serial number
- title
- source of property
- location;
- FTA grant number;
- cost,
- and disposition
  - method
  - selling price
  - date of sale

The file should also include the Section 5311 Capital Agreement and a copy of the original purchase order. MoDOT will retain possession of all titles, with MoDOT listed as first lien holder. No second liens may be placed on any federally funded vehicle except for vehicles purchased for intercity bus operators. The annual inventory process also accounts for vehicles sold requiring the grantee to include all disposition data relative to vehicle disposal.

An Annual Inventory and Certification Report must be submitted for the calendar year and are due February 28. The report should identify each vehicle, the grant number under which it was funded, the VIN and the odometer reading as of December 31. A member of the department will verify this inventory and inventory other equipment and inspect federally funded facilities biannually.

#### 5316 – Property Management (*applicable to FFY 2012 & earlier funded grants*)

Vehicles and equipment purchased with JARC funds are subject to the following requirements:

Annual Inventory – All subrecipients must submit an annual inventory listing all vehicles and equipment purchased with JARC funds. A current odometer reading for vehicles is required. Subrecipients will also be required to submit a signed certification stating the vehicle and/or equipment is being used for the purpose intended.



Insurance – Subrecipients must insure the vehicle(s) for accident liability and general collision. Replacement insurance should also be carried on all equipment.

Transfer of Equipment – Capital equipment may be transferred to one JARC subrecipient to another upon MoDOT's approval. Vehicles must meet a useful life requirement before they can be disposed.

Minimum standards for vehicle useful life are:

- Vans, straight or modified – 100,000 miles
- Minibuses (body on chassis) – 100,000 miles
- Larger vehicles – as determined by Altoona test report

Computer systems have a useful life of three years. The useful life for other equipment will be determined at the time of purchase.

A subrecipient who owns equipment that has not met its useful life, and who discontinues their JARC project, will be required to either transfer the property to another JARC recipient or reimburse MoDOT for 80% of the fair market value.

Records – Records must be maintained for all capital purchases. At a minimum, the following information must be included: maintenance records, agreements with MoDOT, documentation of lowest price, and invoice for equipment other than vehicles. Records must be kept for three years after the disposition of any capital equipment.

5317 – Property Management (applicable to FFY 2012 & earlier funded grants)

**Property Management** - Vehicles and equipment purchased with New Freedom funds are subject to the following requirements:

**1 Annual Inventory** - All subrecipients must submit an annual inventory listing of all vehicles and equipment purchased with New Freedom funds. A current odometer reading for vehicles is required. Subrecipients will also be required to submit a signed certification stating the vehicle and/or equipment is being used for the purpose intended.

**2 Insurance** - Subrecipients must insure the vehicle(s) for accident liability and general collision. Replacement insurance must be carried on all equipment.

**3 Transfer of Equipment** - Capital equipment may be transferred from one New Freedom subrecipient to another upon MoDOT's approval. Vehicles must meet a useful life requirement before they can be disposed.

Minimum standards for vehicle useful life are:

Vans, straight or modified - 100,000 miles  
Minibuses (body on chassis) - 100,000 miles  
Larger vehicles - as determined by Altoona test report

A subrecipient, who owns equipment that has not met its useful life, and who discontinues their New Freedom project, will be required to either transfer the property to another New Freedom recipient or reimburse MoDOT for 80% of the fair market value.

**4 Records** - Records must be maintained for all capital purchases. At a minimum, the following information must be included: maintenance records, agreements with MoDOT, documentation of lowest price, and invoices for equipment other than vehicles.

**5 Restrictions on Vehicle Use** - Vehicles must be used for New Freedom transportation only. Personal or administrative use of vehicles is not permitted.

**6 Compliance with Federal Motor Carrier Regulations**  
- It is the subrecipients' responsibility to comply with all Federal Motor Carrier Regulations as they may apply to their operations. MoDOT's Division of Motor Carrier Services provides technical assistance through workshops and a help desk.

### **Vehicle Use and Disposition**

5310 & 5317 – Vehicle Use and Disposition (to be revised subsequent to FTA final guidance)

**Restrictions on Vehicle Use** - Vehicles must be used for 5310 transportation only. Personal or administrative use of vehicles is not permitted.

### **Equipment Disposition Procedures**

Vehicles will be eligible to be considered for replacement when the following minimum mileage standards and time frames are met:

Vans (straight and modified)	4 years/100,000	Line Item Code 11.12.15
Mini-buses (van chassis)	4 years/100,000	Line Item Code 11.12.15
Mini-buses (medium duty chassis)	7 years/200,000	
Medium Duty Buses	7 years/200,000	Line Item Code 11.12.03

Service Life Policy. Useful service life for non-vehicle equipment (radios and computers) is five years on radios and three years on computer equipment. Service life for non-vehicle equipment begins when equipment is received. Service life of rolling stock begins on the date the vehicle is placed in revenue service and continues until it is removed from service. Minimum normal service lives for buses and vans are:

- a. Large, heavy-duty transit buses (approximately 35'-40', and articulated buses):  
at least 12 years of service or an accumulation of at least 500,000 miles.
- b. Medium-size, heavy-duty transit buses (approximately 30'): 10 years or 350,000 miles.
- c. Medium-size, medium duty transit buses (approximately 30'): 7 years or 200,000 miles.
- d. Medium-size, light-duty transit buses (approximately 25-35'): 5 years or 150,000 miles.
- e. Other light-duty vehicles such as small buses and regular and specialized vans:  
4 years or 100,000 miles.

These minimum standards must be met at the time of application or time of request for disposal. On a case by case basis MoDOT staff will permit a vehicle to be replaced or disposed of that has a history of excessive repair costs (not caused from neglect or lack of scheduled services).

Non-vehicle equipment disposition (radios and computers) require written authorization for disposal prior to end of equipment's useful service life. Disposal authorization is not required after the piece of equipment has reached its useful service life.

Written authorization is necessary for vehicle disposal. A recipient may dispose of a vehicle in either of two ways:

1. A vehicle may be sold outright to a third party through a variety of approved process, including sealed bids, auto auction or the average of three competent appraisals.
2. A vehicle may be sold by the recipient to itself. In this case the implicit price to be paid by the recipient will be the average wholesale value of the vehicle as specified in the most recent National Automobile Dealers Association (NADA) Official Used Car Guide.

Divisions of any proceeds are as follows:

1. If a vehicle is sold outright to a third party, the recipient may retain 20% of the proceeds plus \$225.00. The balance must be paid to MoDOT within 10 working days.
2. If a recipient buys out the federal interest the recipient must pay 80% of the NADA wholesale value to the department within 10 working days.

A copy of the final bill-of-sale must accompany the check sent to MoDOT. The check(s) is processed through MoDOT's Multimodal operations grant management accountant into the vehicle disposition fund.

MoDOT has determined that this money will be used to assist recipients with the costs associated with major component repair work and in the upkeep of disability equipment.

#### 5311 & 5316 Vehicle Use and Disposition

The Section 5311 program was established to provide financial support for general public transit services in nonurbanized areas. General public services are those that are open to the public at large.

Private for-profit companies, not-for-profits, and public entities providing intercity bus service are eligible to apply for Section 5311(f) funding.

Program recipients are encouraged to make the benefits of their existing administrative structure and transportation expertise available to programs with special or exclusive transportation needs. Section 5311 operators may provide incidental services, such as meal or package delivery, under their existing administrative structure as long as the service does not conflict with providing public transportation service or reduce service to public transportation services and the program recipient covers the operating and vehicle costs. No additional administrative costs will be allowed, but existing administrative costs need not be charged to the restricted service.

Incidental services must not result in a reduction of passenger service. Trip denials (if any) and response time must be continuously monitored to ensure that the quality and quantity of passenger service is not diminished by the provision of incidental services. MoDOT will review the impact of incidental service on the passenger service and restrict operations if necessary.

Recipients will be required to dispose of all FTA funded items under the conditions of the FTA grant contracts. MoDOT will permit the transfer of used FTA funded Section 5311 vehicles and equipment from one recipient to another. Transfer of vehicles will be in accordance with FTA policy on transferring capital equipment.

Grantees are required to submit a written request for disposal of a vehicle(s) or equipment they wish to dispose. The recipient must receive written authorization before disposing of the vehicle. If a recipient wishes to dispose of a vehicle before the end of its useful life, then MoDOT must determine if the useful life of the vehicle(s) or equipment has been reached prematurely, and seek concurrence from the FTA for the disposal.

Minimum standards for vehicle useful life are:

Vans, straight or modified - 100,000 miles

Mini-buses (body on chassis) - 100,000 miles

Medium Duty - 200,000 miles

Transit buses - 7 to 12 years, as determined by Altoona testing report

A recipient may dispose of a vehicle at the end of its useful life in either of two ways:

1. A vehicle may be sold to a third party through a variety of approved processes, including advertised sealed bids, auto auction or the average of three competent appraisals.
2. A recipient may buy out the federal interest and keep the vehicle for other purposes. In this case the price to be paid by the recipient will be the average wholesale value of the vehicle as specified in the most recent National Automobile Dealers Association (NADA) Official Used Car Guide or The Official Bus Book Market Report.

### **Accounting Systems**

#### **5310 – Accounting Systems (to be revised subsequent to FTA final guidance)**

Each 5310 recipient designate an individual or position that serves as a basis of accountability on each vehicle and any monies that are involved with the vehicle (s) throughout its useful life. Original vehicle cost, federal and local share, repair costs, payroll, invoices, contracts and any other accounting documents are to be identified and accessible.

MoDOT utilizes the *Advantage* (SAMII) electronic financial management system to maintain records of funds and funding. *Advantage* incorporates such functions as budgeting, general ledger, purchasing, accounts payable/receivable, inventory control, cost allocation and job costing. MoDOT's primary management system is through Transportation Electronic Awards Management (T.E.A.M.), which allows complete databases on individual grants, grantees and conditions of awards. Utilizing T.E.A.M., MoDOT is able to accurately monitor funds in current and past grants, administration monies and also allows a reasonable estimate for future funding. MoDOT is able to keep in direct contact with the FTA through the use of this system and account for budget revisions, grants administered and inventory of rolling stock.

#### **5311 – Accounting Systems**

All grantees will use the chart of accounts developed by the department for reporting project financial data to MoDOT. This will assist in making accurate comparisons by providing a uniform accounting structure. See below for the chart of accounts:

## **Missouri Department of Transportation Transit Chart of Accounts**

### **LABOR**

501.00	Salaries
502.01	Fringe Benefits - FICA/Railroad Retirement
502.02 - DBE	Fringe Benefits - Hospital, Medical & Surgical Plans
502.03	Fringe Benefits - Unemployment Insurance
502.04 - DBE	Worker's Compensation
502.05	Sick Leave
502.06	Holiday
502.07	Vacation
502.08 - DBE	Pension/Retirement (employees' contribution is not cont. opp.)
502.09 - DBE	Disability Insurance
502.10 - DBE	Life Insurance

### **SERVICES**

503.01 - DBE	Legal Services
503.02 - DBE	Audit/Accounting Services
503.03 - DBE	Medical Services (including Drug/Alcohol Testing)
503.04 - DBE	Temporary Help Services
503.05 - DBE	Contract Maintenance (including Janitorial Services)
503.06	Municipal/University Overhead Fees
503.07 - DBE	Computer Services
503.08 - DBE	Professional, Scientific, & Technical Services
503.09 - DBE	Commissions Paid (Intercity Bus Only)
503.99	Volunteer Time

### **VEHICLE EXPENSE**

504.01 - DBE	Fuels & Lubricants
504.02 - DBE	Tires & Tubes
504.03 - DBE	Parts/Inventory Purchases
505.04 - DBE	Vehicle Repairs
505.99 - DBE	Other Materials & Supplies

### **UTILITIES**

505.01	Electricity/Natural Gas
504.011 - DBE	Propane Service
505.02 - DBE	Telephone - Land Line (cont opp if there is comp in service area)
502.021 - DBE	Telephone - Cell Phone
505.03	Water
505.04	Sewer
505.05 - DBE	Cable and/or Internet Service (cont opp if there is comp in service area)
505.06 - DBE	Refuse Service (cont opp if there is comp in service area)

### **CASUALTY & LIABILITY INSURANCE**

506.01 - DBE	Premiums - Vehicle (Collision & Liability)
506.02 - DBE	Premiums - Directors' Liability
506.03 - DBE	Premiums - Facilities (Replacement & Liability)

State Management Plan for Missouri's FTA Transit Grant Programs: December 2013

506.99 - DBE Other Insurance Premiums

**VEHICLE REGISTRATION**

507.01 Vehicle Licensing & Registration Fees

**PURCHASED TRANSPORTATION SERVICE**

508.00 - DBE Purchased Transportation Service

**MISCELLANEOUS EXPENSES**

509.01 Dues & Subscriptions  
 509.02 - DBE Travel & Meetings (cont opp if travel services are used)  
 509.03 - DBE Office Supplies  
 509.04 Postage/Post Office Box Rental  
 509.041 - DBE Mailing Services  
 509.05 - DBE Small Equipment Purchases  
 509.06 -DBE Employees' Meals  
 509.07 - DBE Interest Paid  
 509.08 - DBE Background/Drivers' License Checks (cont opp if other than public agency)

**REPAIRS**

510.01 - DBE Maintenance performed by others  
 510.02 In House Maintenance  
 510.03 - DBE Building Repair  
 510.04 - DBE Office Equipment Repair  
 510.05 - DBE Shop Equipment Repair  
 510.06 - DBE Radio Repair

**LEASES & RENTALS**

512.01 - DBE Operating Facilities (Bus Barns)  
 512.02 - DBE General Administrative Facilities  
 512.03 - DBE Vehicle Lease  
 512.04 - DBE Equipment Lease  
 512.05 Rental provided by other as In-Kind Donation

**ADVERTISING**

514.01 Public Hearing Notices (use newspaper with largest circulation)  
 514.02 - DBE Marketing/Advertising/Classified Ads

**CAPITAL PROCUREMENTS**

Account Number	Description
601.00 - DBE	Commercial and Institutional Building Construction
602.00 - DBE	Prefab Metal Building and Component Manufacture
603.00 - DBE	Architect and Engineering Services
604.00 - DBE	Electrical Contractors
605.00 - DBE	Plumbing and Heating Contractors
606.00 - DBE	Roofing
607.00 - DBE	Landscaping and Earthwork

608.00 - DBE	Office Furnishings and Equipment
609.00 - DBE	Computer Equipment
610.00 -DBE	Radio and Wireless Equipment
611.00 - DBE	Shop Equipment

5316 – Accounting Systems (applicable to FFY 2012 & earlier funded grants)

MoDOT uses the State Office of Administration's SAM-II accounting system to track grant payments. The Multimodal Operations Division has two full-time employees who enter all transactions into the system.

Applicants must demonstrate they have the technical capacity to carry out the project. Technical capacity means that the organization has:

an accounting system and other tracking methods that ensure financial responsibility and asset control,

5317 – Accounting Systems (applicable to FFY 2012 & earlier funded grants)

MoDOT uses the State Office of Administration's SAM-II accounting system to track grant payments. The Multimodal Operations Division has two full-time employees who enter all transactions into the system.

Applicants must demonstrate they have the technical capacity to carry out the project. Technical capacity means that the organization has:

an accounting system and other tracking methods that ensure financial responsibility and asset control,

**Audit and Close Out**

5310 – Audit and Close Out (to be revised subsequent to FTA final guidance)

**AUDIT AND CLOSEOUT**

MoDOT receives an annual Single Audit as required by federal regulations. Grants closure is initiated as soon as all available funds have been drawn. Although grantees do not receive funds directly from MoDOT, the vehicles received are considered federal financial assistance according to OMB Circular A-133. Federal financial assistance is assistance received in the form of grants, loans, loan guarantees, property (including donated surplus property) cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance. Grantees that expend \$500,000 or more in a year in federal financial assistance are required to obtain a single audit in accordance with OMB Circular A-133. Such A-133 single audit reports must be received by MoDOT's Transit Section within nine (9) months of the end of the grantee's fiscal year.



5311 – Audit and Close Out (to be revised subsequent to FTA final guidance)

**AUDIT AND CLOSEOUT**

At the end of the project period, recipients are required to submit a consolidated statement of revenues and expenses for the entire project period. The recipient must also submit a report prepared by an independent auditor in accordance with the department's audit guidelines. For grant recipients who expend more than \$500,000 in federal funds during any fiscal year, FTA requires audits to comply with OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations". These audit reports must be received within nine months after the end of the recipient's fiscal year. The Section 5311 Program Manager tracks receipt of all audits.

All recipients whose total transportation budget exceeds \$50,000 must have an independent audit annually. Not-for-profit recipients whose total expense for the year is less than \$50,000 may request a field audit by MoDOT personnel in lieu of an independent audit.

The department will review the recipient's statement of revenues and expenses and independent audit and determine allowable Section 5311 funding. The project is then closed upon final financial adjustments.

The department is required to submit annual updates to FTA through their electronic grant management system (known as TEAM). The following is Multimodal Operations Procedure for Reporting Unliquidated Obligations for Federal Financial Reports (FFR):

1. When a grant is awarded by FTA and executed by MoDOT's Multimodal Operations Director, a Program of Projects is given to the Financial Services Specialist by the Program Manager that provides scope-level detail of the budget for the grant.
2. With the grant's Program of Projects summary detail, the Financial Services Specialist will enter the total grant budget with scope detail into SAM-II (Financial Advantage, the State of Missouri Accounting System).
3. As agreements and contracts are commenced with sub-grantees and vendors, the value of those agreements and contracts will be entered into SAM-II as encumbered amounts which will be the amounts reported as the Federal or Recipient's Share of Unliquidated Obligations in the FFR .
4. As the agreements and contracts are disbursed, these amounts will be reported as expenditures and reported in the FFR category of Total Expenditures.
5. Taking the total amount of the grant, then deducting the expenditures and Unliquidated Obligations, will give the amount of the Unobligated Balance of Federal Funds, which will include the grant scope amount for State Administration.
6. When preparing the FFR's and before submitting them to FTA, the Financial Services Specialist will have the Program Managers review for accuracy the amounts that are reported in the FFR.

Within 90 days of final expenditure of all funds in a federal grant, MoDOT will submit a Federal Financial Report, final budget, and final program of projects through the TEAM system to FTA.

5316 – Audit and Close Out (*applicable to FFY 2012 & earlier funded grants*)

**AUDIT (AND CLOSEOUT)**

At the end of the project period, recipients are required to submit a consolidated statement of revenues and expenses for the entire project period. The recipient must also submit a report prepared by an independent auditor in accordance with the department's audit guidelines. For grant recipients who expend more than \$500,000 in federal funds during any fiscal year, FTA requires audits to comply with OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations". These audit reports must be received within nine months after the end of the recipient's fiscal year. The Section 5316 Program Manager tracks receipt of all audits.

All recipients whose total transportation budget exceeds \$50,000 must have an independent audit annually. Not-for-profit recipients whose total expense for the year is less than \$50,000 may request a field audit by MoDOT personnel in lieu of an independent audit.

The department will review the recipient's statement of revenues and expenses and independent audit and determine allowable Section 5316 funding. The project is then closed upon final financial adjustments.

5317 – Audit and Closeout (*applicable to FFY 2012 & earlier funded grants*)

**Audit** – All subrecipients whose total transportation budget exceeds \$50,000, must have an independent audit annually. Entities who expend more than \$500,000 annually in federal funds from all sources are subject to an OMB A-133 audit. A copy of the audit must be submitted to MoDOT for review within nine (9) months of the end of the entities fiscal year. For those subrecipients with a transportation budget less than \$50,000 annually, the Section 5317 program manager will conduct a field audit each year.

### **Subrecipient Oversight and Reporting**

***RESPONSE TO SMR FINDING*** – *Submit to the FTA Regional Office a revised SMP that includes procedures to effectively monitor subrecipients. A timetable for compliance with the procedure should also be included.*

### **Procedures for Monitoring Sub-Recipients (All Programs)**

#### *Background*

Many Federal requirements flow through MoDOT to the subrecipients, contractors and lessees. MoDOT is responsible for ensuring that these entities are aware and compliant with the requirements imposed on them by Federal statutes and regulations. Before expending any Federal funds on projects, MoDOT certifies to FTA that it and others operating through FTA funds granted by MoDOT (e.g., subrecipients, contractors and lessees) have met all statutory and FTA program requirements. MoDOT is expected to have sufficient documentation to support the annual certifications to FTA.

#### *Compliance Technical Assistance for Sub-Recipients*

Federal requirements are communicated to sub-recipients in grant applications, grant contracts, this state management plan, as well as, training opportunities periodically sponsored by MoDOT, Missouri RTAP, National RTAP, the National Transit Institute, the Transportation Safety Institute and the Federal Transit Administration (FTA). Relevant compliance training is sponsored by associations such as the Missouri Public Transit Association (MPTA), the Community Transportation Association of America (CTAA) and the American Public Transportation Association (APTA). MoDOT Transit Section personnel are also available as a resource to assist in identifying compliance requirements.

Sub-recipients are encouraged to make use of these technical assistance resources. Compliance is contractually expected, even if sub-recipients fail to avail themselves of training and/or technical assistance opportunities.

Upon application and approval, Missouri RTAP has full cost reimbursement "scholarships" available that pay allowable costs (registration, travel, lodging and meals) for rural transit managers and rural transit supervisors in order to significantly lower barriers for compliance training participation. Subrecipients who wish to request RTAP transit compliance training scholarships should contact the Missouri University of Science and Technology at (573) 341-7200 or by e-mail to [mortap@mst.edu](mailto:mortap@mst.edu)

*MoDOT's Procedures for Sub-Recipient Monitoring*

MoDOT monitors sub-recipient compliance by analysis of sub-recipient reporting, responses to compliance events and complaints as well as observations through phone conversations, e-mails, in-person meetings and on-site inspection visits. Required sub-recipient reporting provides monitoring opportunities; examples of sub-recipient related reporting include:

- Annual grant applications (most notably annual in the Section 5311 program),
- Annual grant funded vehicle mileage and condition reporting,
- Annual Rural National Transit Database reporting submissions (Section 5311),
- Annual Drug & Alcohol Program management information system (MIS) reports,
- Annual single audit reports, if agency meets reporting threshold,
- Semi-annual procurement reporting for the disadvantaged business enterprise report,
- Quarterly or monthly grant reimbursement requests and associated supporting material,
- Site visit audit reports from MoDOT's substance abuse program contractor,
- Every three year update of Equal Employment Opportunity plans, if required,
- Every three year update of Title VI Civil Rights / LEP Plans,
- Title VI and ADA compliant information received by MoDOT,
- Lawsuit information reported to MoDOT.

Each MoDOT transit operations specialist is responsible on an on-going basis for reviewing reports received for their respective transit programs and for reporting to the Administrator of Transit any non-compliance issues identified. Once non-compliance is confirmed, a MoDOT strategy will be developed on a case-by-case basis to bring identified issues into compliance, if at all possible. Responses to sub-recipient non-compliance can range from informal warnings, repeating an action / activity so that issue becomes compliant, withholding funds until compliance is attained, or in very rare instances, recommending the matter to state or federal authorities for civil or criminal action.

To ensure the best value for every dollar spent, MoDOT will take a "risk based" approach for its performance of on-site grant compliance visits. In the spring of each year (March – June), MoDOT will score sub-recipients for on-site visits during the following 12 month period based on the risk factors of: 1) Amount of FTA funds received in all transit programs; 2) Number of grant funded vehicles; 3) Recent replacement of key personnel; 4) New participation in programs or project types; 5) Known concerns. The table, below, describes the parameters for this risk-based rating approach:

	<b>Risk Factor</b>	<b>Description</b>	<b>Weight</b>	<b>Definition of Scale</b>
A.	Grant Dollars Received	Total dollar amount of all "active" grant agreements	25 %	1. 0-\$500,000 2. \$500,001 to \$1,000,000 3. \$1,000,001 to \$3,000,000 4. \$3,000,001 to \$7,000,000 5. \$7,000,001+
B.	Number of Vehicles	Grant funded vehicles in fleet	15%	1. 1 - 5 2. 6 - 10 3. 11 - 50 4. 51 - 100 5. 100+
C.	Key Personnel Replacement	Changes in personnel responsible for compliance matters	30%	0. No change in past 5 years, 1. Change 3 – 5 years ago 3. Change 2 – 3 years ago 5. Change within last 2 years,
D.	New to Program or Project Type	New to a grant program or new to a project such as construction, fixed-route bus service, etc.	15%	0. Not new to grants / projects 5. New to grant program or project in past 3 years,
E.	Known Concerns	Includes complaints, identified compliance issues from reports, single audit report findings, etc.	15%	0 No known concerns 3 Some problems noted 5 Material problems noted

Of the sub-recipients selected annually for on-site reviews in the following 12 months, half will be chosen from the top of the rank ordered list developed by the risk-based approach, one-fourth will be selected from those agencies that have not had a site visit in the past four (4) years and one-fourth will be selected from those agencies with known concerns (including prior year's on-site review findings) or recently replaced key personnel that were not otherwise chosen in the earlier selections.

As on-site grant compliance visits are conducted, documented and those reports received by MoDOT, the Administrator of Transit will review those on-site review reports for the identification of findings and non-compliance issues. The Administrator of Transit will coordinate with representatives of the sub-recipient as well as the MoDOT Multimodal Operations Specialist(s) responsible for managing the applicable grant programs involved to develop an action plan with timetable to resolve the identified findings and/or non-compliance issues. Failure of a sub-recipient to complete the action plan within the stated amount of time can lead to delays in grant payments, repayment of grant funds or forfeiture of the grant(s).

**Productivity / Cost Effectiveness / Service Standards**

5310 – Productivity / Cost Effectiveness / Service Standards (to be revised subsequent to FTA final guidance)

The program measures for the 5310 program have been established by the Federal Transit Administration, and will be evaluated on two pieces of criteria:

1. Gaps in service areas that are filled by utilizing 5310 services; and
2. The number of one-way trips provided on an annual basis by 5310 providers.

5311 – Productivity / Cost Effectiveness / Service Standards

The department does not set specific criteria in the areas of productivity, cost effectiveness or service standards. The number of trips, miles traveled, trips per vehicle and subsidy per trip, are used in evaluating new projects or renewing existing projects.

5316 – Productivity / Cost Effectiveness / Service Standards (applicable to FFY 2012 & earlier funded grants)

MoDOT is required to collect data on two annual performance measures for the JARC program. Those measures are: 1) actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage of JARC, and 2) actual or estimated number of one-way rides provide as a result of the JARC projects.

5317 – Productivity / Cost Effectiveness / Service Standards (applicable to FFY 2012 & earlier funded grants)

Under the New Freedom program, Congress has established three measures that MoDOT will track. These measures are:

1. Increases or enhancements related to geographic coverage, service quality and/or service times that impact availability of transportation services for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year
2. Additions or changes to the environmental infrastructure, technology, and vehicles that impact availability of transportation services as a result of the New Freedom projects implemented in the current reporting year; and
3. Actual or estimated number of rides (measured as on-way trips) provided for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year.

## **OTHER PROVISIONS**

### **Section 5333(b) Labor Protection (Many Programs)**

Public Transportation Employee Protective Arrangements – MoDOT annually certifies to FTA that 49 U.S.C Section 5333(b) requires employee protective arrangements to be in place as a condition of award of FTA assistance made available or appropriated for FTA programs involving public transportation operations. The U.S. Department of Labor recognizes the following categories of arrangements:

1. U.S. DOL Certification – When a project involves public transportation operations and is financed with funding made available or appropriated from Sections 5307, 5308, 5309, 5312, 5316, 5337, or 5339, or other provisions of law as required by the Federal Government, U.S. DOL must provide Certification of employee protective arrangements before FTA may award financial assistance to MoDOT to pass through to sub-recipients. MoDOT certifies that in grants providing public transportation operations, that:
  - a. MoDOT and its sub-recipients must carry out the project as provided in its U.S. DOL Certification, which contains the terms and conditions that U.S. DOL has determined to be fair and equitable to protect the interests of any employees affected by the project,
  - b. MoDOT and its sub-recipients must comply with 49 U.S.C. Section 5333(b) and any future amendments thereto,
  - c. MoDOT and its sub-recipients will follow the U.S. DOL guidelines, “Guidelines, Section 5333(b), Federal Transit Law,” 29 C.F.R. Part 215, except as U.S. DOL determines otherwise in writing,
  - d. MoDOT and its sub-recipients comply with the terms and conditions of the U.S. DOL Certification of public transportation employee protective arrangements for the project, which certification is dated as identified on the Underlying Agreement, including:
    - i. Any alternative comparable arrangements U.S. DOL has specified for the project,
    - ii. Any revision U.S. DOL has specified for the project, or
    - iii. Both and
  - e. MoDOT and its sub-recipients must comply with the following documents and provisions incorporated by reference in and made a part of the Underlying Agreement for the project:
    - i. The U.S. DOL certification of public transportation employee protective arrangements for the project, which certification is dated as identified on the Underlying Agreement,
    - ii. The documents cited in that U.S. DOL certification for the project,

- iii. Any alternative comparable arrangements that U.S. DOL has specified for the project and
- iv. Any revision that U.S. DOL has specified for the project

2. Special Warranty – When a project involves public transportation operations, and is financed with funding made available or appropriated for 49 U.S.C. Section 5311, which authorizes formula program for rural and nonurbanized areas, U.S. DOL will provide a Special Warranty for those projects. MoDOT in its certification understands and agrees and assures FTA that any Section 5311 sub-recipient and subcontractors providing public transportation operations will agree, that:

- a. They will comply with Federal transit laws, specifically 49 U.S.C. Section 5333(b),
- b. Follow the U.S. DOL guidelines, “Guidelines, Section 5333(b), Federal Transit Law,” 29 CFR part 215, except as U.S. DOL determines otherwise in writing,
- c. Will comply with the U.S. DOL Special Warranty for the project that is most current on the date when it executed the Underlying Agreement, and documents cited therein, including:
  - i. Any alternative comparable arrangements U.S. DOL has specified for the project,
  - ii. Any revisions U.S. DOL has specified for the project, or
  - iii. Both, and
- d. MoDOT and its Section 5311 sub-recipients will comply with the following documents and provisions that are incorporated by reference in and made a part of the Underlying Agreement,
  - i. The U.S. DOL Special Warranty for the project,
  - ii. The documents cited in the Special Warranty,
  - iii. Any alternative comparable arrangements that U.S. DOL has specified for the project,
  - iv. Any revisions that U.S. DOL has specified for the project.

3. Special Arrangements for 49 U.S.C. Section 5310 Projects – MoDOT understands that any sub-recipient and sub-contractor providing public transportation operations agrees, that although pursuant to 49 U.S.C. Section 5310, FTA has determined that it was not “necessary or appropriate” to apply the conditions of 49 U.S.C. Section 5333(b) to subrecipients, FTA reserves the right to make the following exceptions:

- a. FTA will make case-by-case determinations of the applicability of 49 U.S.C. 5333 (b) for all transfers of “flex funds”, and
- b. FTA reserves the right to make other exceptions, as it deems appropriate.

### **Environmental Protection (All Programs)**

Environmental and resource use laws can and do apply to transit projects. The following federal environmental and resource laws appear in the 2013 FTA Master Agreement. MoDOT's Transit Section staff can assist project sponsors in identifying applicable environmental requirements, such as:



- a. National Environmental Policy:
  - i. Federal transit laws, specifically 49 U.S.C. Section 5323 (c) (2), as amended,
  - ii. The National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. Sections 4321 – 4335 (as limited by 42 U.S.C. Section 5159),
  - iii. U.S. Council on Environmental Quality regulations pertaining to compliance with NEPA, 40 CFR Parts 1500 – 1508,
  - iv. Joint FHWA and FTA regulations, “Environmental Impact and Related Procedures,” 23 CFR Part 771 and 49 CFR Part 622,
  - v. Executive Order No. 11514, as amended, “Protection and Enhancement of Environmental Quality,” 42 U.S.C. Section 4321 note, and
  - vi. Joint FHWA and FTA final guidance, “SAFETEA-LU Environmental Review Process (Pub.L. 109-59) Fed. Reg. 66576, November 15, 2006, especially:
    - 1. Guidance on implementing 23 U.S.C. Section 139 pertaining to environmental procedures, and
    - 2. Guidance on implementing 23 U.S.C. Section 326, pertaining to State responsibility for categorical exclusions.
- b. Air Quality
  - i. Public transportation operators will comply with:
    - 1. U.S. EPA regulations, “Control of Air Pollution from Mobile Sources,” 40 CFR Part 85,
    - 2. U.S. EPA regulations, “Control of Emissions from New and In-Use Highway Vehicles and Engines,” 40 CFR Part 86, and
    - 3. U.S. EPA regulations, “Fuel Economy and Greenhouse Gas Exhaust Emissions of Motor Vehicles,” 40 CFR Part 600, and any revisions to those regulations,
  - ii. State Implementations Plans – grant funded projects will support State Implementation Plans by:
    - 1. Implementing each air quality mitigation or control measure incorporated in the documents accompanying the approval of the Project,
    - 2. Assuring that any Project identified as a Transportation Control Measure in the State Implementation Plan that applies to the Project will be wholly consistent with the design concept and scope of the Project described in the State Implementation Plan, and
    - 3. Comply with:
      - a. Section 176 (c) of the Clean Air Act, 42 U.S.C. Section 7506(c),
      - b. U.S. EPA regulations, “Conformity to State or Federal

- Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23, U.S.C. or the Federal Transit Laws," 40 CFR Part 93, subpart A, and
- c. Other applicable Federal conformity regulations that may be promulgated at a later date,
- iii. Violating Facilities:
    1. Comply with the notice of violating facility provisions of Section 306 in the Clean Air Act, as amended, 42 U.S.C. Section 7414, and
    2. Facilitate compliance with Executive Order 11738, "Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans," 42 U.S.C. Section 7606 note,
  - c. Clean Water – comply with the Clean Water Act, as amended, 33 U.S.C. Section 1251 – 1377, an implementing Federal regulations, and follow Federal implementing guidance, except as the Federal Government determines otherwise in writing, Among the responsibilities:
    1. Drinking Water – protect underground sources of drinking water in compliance with the Safe Drinking Water Act of 1974 as amended, 42 U.S.C. Sections 300f – 300j – 6,
    2. Violating Facilities
      - a. Comply with the notice of violating facility provisions in Section 508 of the Clean Water Act, as amended, 33 U.S.C. Section 1368, and
      - b. Facilitate compliance with Executive Order No. 11738, "Providing for Administration of the Clean Air Act and Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans," 42 U.S.C. Section 7606 note.
  - d. Corridor Preservation – relating to right-of-way acquired under 49 U.S.C Section 5323(q), as amended by MAP-21, in anticipation of the Project,
  - e. Use of Certain Public Lands – Will comply with:
    - i. U.S. DOT laws, specifically 49 U.S.C. Section 303, which requires certain findings be made before a Project may be carried out that involves the use of any public owned land that Federal officials authorized under law have determined to be a:
      1. Park of national, State or local significance,
      2. Recreation area of national, State or local significance,
      3. Wildlife refuge of national, State or local significance, or
      4. Waterfowl refuge of national, State or local significance, and
    - ii. Joint FHWA and FTA regulations, "Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites," 23 CFR Part 774, and referenced in 49 CFR Part 622,

- f. Wild and Scenic Rivers – comply with Federal protections for the national wild and scenic rivers system, including:
  - i. The Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. Section 1271 – 1287, relating to protecting components of the national wild and scenic rivers system,
  - ii. U.S. Forest Service regulations, “Wild and Scenic Rivers,” 36 CFR Part 297, and
  - iii. U.S. Bureau of Land Management regulations, “Management Areas,” 43 CFR Part 8450,
- g. Coastal Zone Management – projects consistent with the approved State management program developed under the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. Section 1451 – 1465,
- h. Wetlands – comply with the protections for wetlands provided in Executive Order No. 11990, as amended, “Protection of Wetlands,” 42 U.S. C. Section 4321note,
- i. Floodplains – comply with flood hazards protections in floodplains provided in Executive Order 11988, as amended, “Floodplain Management,” 42 USC Section 4321 note,
- j. Endangered Species and Fishery Conservation – comply with protections of endangered species:
  - i. The Endangered Species Act of 1973, as amended, 16 U.S.C. Sections 1531 – 1544, and
  - ii. The Magnuson Stevens Fishery Conservation and Management Act, as amended, 16 U.S.C. Section 1801, et seq.,
- k. Waste Management – comply with the Resource Conservation and Recovery Act, as amended, 42 U.S.C. Sections 6901 – 6992k,
- l. Hazardous Waste – comply with the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. Section 9601 – 9675, which establishes requirements for the treatment of areas affected by hazardous waste,
- m. Historic Preservation:
  - i. Comply with U.S. DOT laws, including 49 U.S.C. Section 303 which requires certain findings be made before a Project involving the use of any land from a historic site that is on or eligible for inclusion on the National Register of Historic Places may be undertaken,
  - ii. Encourage compliance with the Federal historic and archaeological preservation requirements of Section 106 of the National Historic Preservation Act, as amended, 16 U.S.C. Section 470f,
  - iii. Compliance with Executive Order No. 11593, “Protection and Enhancement of the Cultural Environment,” 16 U.S.C. Section 470 note,

- iv. Comply with the Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. Sections 469a – 469c,
- v. Comply with U.S. Advisory Council on Historic Preservation regulations, “Preservation of Historic Properties,” 36 CFR Part 800, which requires among other things, that:
  - 1. Consult with the State Historic Preservation Officer concerning investigations to identify properties and resources included In or eligible for inclusion in the National Register of Historic Places that may be affected by the Project, and
  - 2. Notify FTA of affected properties, and
- vi. Comply with Federal requirements and follow Federal guidance to avoid or mitigate adverse effects on those historic properties, except as the Federal Government determines otherwise in writing,
- n. Indian Sacred Sites
  - i. Facilitate compliance with Federal efforts to promote the preservation of places and objects of religious importance to:
    - 1. American Indians,
    - 2. Eskimos,
    - 3. Aleuts, and
    - 4. Native Hawaiians, and
  - ii. Facilitate compliance with:
    - 1. The American Indian Religious Freedom Act, 42 U.S.C. Section 1996, and
    - 2. Executive Order No. 13007, “Indian Sacred Sites,” 42 U.S.C. Section 1996 note, except as the Federal Government determines otherwise in writing,
- o. Mitigation of Adverse Environmental Effects – If the Project causes or results in any adverse environmental effect, make reasonable efforts to minimize the impact of every adverse effect by:
  - i. Complying with:
    - 1. All environmental mitigation measures that may be identified as commitments in the environmental documents that apply to the Project, such as:
      - a. Environmental assessments,
      - b. Environmental impact statements,
      - c. Memoranda of agreement,
      - d. Documents required by 49 U.S.C. Section 303, and
      - e. Other environmental documents, and
    - 2. Any conditions the Federal Government might impose in a finding of no significant impact or record of decision, and

ii. Assuring that:

1. Any mitigation measures agreed on will be incorporated by reference and made part of the Underlying Agreement,
2. Any deferred mitigation measures will be incorporated by reference and made part of the Underlying Agreement as soon as agreement with the Federal Government is reached, and
3. Any mitigation measures agreed on will not be modified or withdrawn without the written approval of the Federal Government.

**Buy America**

Buy America (All Programs)

**BUY AMERICA REGULATIONS**

The Buy America requirements apply to all FTA funded purchases of more than \$150,000, not just vehicles. Bidders are required to execute the Buy America certification at the time of bid submission. (For an RFP, the certification must be executed no later than the best and final offer submission.)

MoDOT conducts pre-award and post delivery vehicle audits as outlined in Conducting Pre-Award and Post-Delivery Audits for Bus Procurements. All bidders must submit a statement of domestic content with their bids. The statements are evaluated before bids are awarded. Domestic content is also reviewed when 1) more than 20 vehicles are purchased from one manufacturer, MoDOT conducts an inspection at the factory, and 2) every vehicle is inspected just prior to delivery. In addition, vendors must submit a post-delivery statement of domestic content for all vehicles. Steel, iron and manufactured products must be manufactured in the United States from domestic components. For rolling stock, final assembly must occur in the United States and the cost of components made in the United States must be greater than 60% of the cost of all components.

**Pre-Award and Post-Delivery Audits**

Pre-Award and Post-Delivery Audits (All Programs)

**ROLLING STOCK Audit and Inspection**

MoDOT staff or their contractors will conduct all rolling stock audits required by FTA. MoDOT conducts pre-award and post delivery vehicle audits as outlined in Conducting Pre-Award and Post-Delivery Audits for Bus Procurements. All bidders must submit a statement of domestic content with their bids. The statements are evaluated before bids are awarded. Domestic content is also reviewed when 1) more than 20 vehicles are purchased from one manufacturer, MoDOT conducts an inspection at the factory, and 2) every vehicle is inspected just prior to delivery. In addition, vendors must submit a post-delivery statement of domestic content for all vehicles. Steel, iron and manufactured products must be manufactured in the United States from domestic components. For rolling stock, final assembly must occur in the United States and the cost of components made in the United States must be greater than 60% of the cost of all components.

## **Lobbying Restrictions**

### **Lobbying Restrictions (All Programs)**

Lobbying MoDOT and all applicants will be required to abide by FTA's requirements regarding anti-lobbying restrictions. Recipients may not use federal funds for lobbying purposes. Grant recipients whose federal funds exceed \$100,000 in any one year are subject to reporting requirements if any non-federal funds are used for lobbying.

## **Prohibition of Exclusive School Transportation**

### **Prohibition of Exclusive School Transportation (All Programs)**

School Bus recipients are prohibited from providing exclusive school bus service unless the service qualifies, and is approved by the FTA Administrator, under an allowable exception. Federally funded equipment or facilities cannot be used to provide exclusive school bus service. Head Start transportation is considered a human service program and is not defined as school bus service.

Recipients may provide transit tripper service. Tripper service is regularly scheduled mass transportation service open to the general public, which is designed or modified to accommodate the needs of school students and personnel. Such service must be open to the public, must serve regular transit stops, and must be delineated on route maps and schedules, and does not display school bus signs.

## **Drug and Alcohol Testing**

### **5311 Drug and Alcohol Testing**

#### **DRUG AND ALCOHOL TESTING**

All recipients are required to comply with FTA's requirements for drug and alcohol testing (49 CFR Parts 655 and Part 40). Recipients and their contractors who employ safety sensitive personnel (excluding safety sensitive contract maintenance personnel) will have written drug and alcohol policies as required by FTA. Recipients and their contractors will allow MoDOT designated personnel review the drug and alcohol program records for compliance. Recipients are required to complete FTA's Management Information System (MIS) forms online annually. Reports are based on the calendar year.

Sections 5310, 5316 & 5317 – Drug and Alcohol Testing (applicable to FFY 2012 & earlier funded grants)

**Substance Abuse Testing** – Subrecipients who receive funding only through the Section 5310, 5316 or 5317 grant programs are not required a Substance Abuse testing program as required by CFR 49, Parts 40 and 655. However, if the subrecipient receives funding through the Section 5307, 5309 or 5311 programs, the Substance Abuse testing program requirement will apply to all-safety sensitive employees, including those whose employment is funded through the Section 5310, 5316 or 5317 programs.

Recipients and their contractors who employ safety sensitive personnel (excluding safety sensitive contract maintenance personnel for recipients of Section 5311 funding) must have written drug and alcohol policies as required by FTA. Recipients and their contractors will allow MoDOT designated personnel review the drug and alcohol program records for compliance. Recipients are required to complete FTA's Management Information System (MIS) forms online annually. Reports are based on the calendar year.

Section 5310, 5316 or 5317 subrecipients who are exempt from the FTA's testing requirements may still have to comply with Federal Motor Carrier Safety Administration's regulations if they have drivers who hold Commercial Drivers Licenses and drive commercial motor vehicles.